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ACTS OF A GENERAL NATURE
AND
LOCAL LAWS AND JOINT RESOLUTIONS
PASSED BY THE
FIFTY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF OHIO:
BEGUN AND HELD IN THE CITY OF COLUMBUS,
JANUARY 7, 1856:
AND IN THE FIFTY-FOURTH YEAR OF SAID STATE.

VOL. LIII.

COLUMBUS:
STATESMAN STEAM PRESS.
1856.

ACTS OF A GENERAL NATURE.

AN ACT

To fix and provide for the terms of the district court in the fifth common pleas district in the third circuit of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the district court shall hereafter be holden in the several counties of the fifth judicial district in the State of Ohio, as follows :

Terms of District Court,
Fifth District.

In the county of Highland, on the seventh day of May ;

Highland.

In the county of Adams, on the twelfth day of May ;

Adams.

In the county of Brown, on the sixteenth day of May ;

Brown.

In the county of Clermont, on the twenty-third day of May ;

Clermont.

In the county of Madison, on the fifth day of September ;

Madison.

In the county of Fayette, on the ninth day [of] September ;

Fayette.

In the county of Ross, on the twelfth day of September ;

Ross.

In the county of Pickaway, on the twenty-second day of September ;

Pickaway.

In the county of Franklin, on the twenty-ninth day of September.

Franklin.

SEC. 2. If, from any cause, a failure to hold the prescribed terms of the district court, in any of the foregoing counties, should occur, it shall be the duty of the judges of the district, on giving thirty days previous notice, in such county, to hold a special term of the district court, in such county, within the same year to dispose of the business ; and should important business arise in the district court in any of said counties, which cannot be disposed of at the stated terms of the court for want of time, it shall be lawful for the judges of the district court to hold a special term of the district court, in such county, at such time as they shall determine, on giving thirty days previous notice thereof, in the county.

In case of failure to hold terms, notice to be given and special term held.

SEC. 3. Should any day named herein for the holding of the said district court, fall upon a Sunday, said court shall commence and be holden on the next day.

Special terms for business not disposed of.

SEC. 4. That section two of the act entitled "an act to fix and provide for the terms of the district court in the third

Notice.

When day for holding court falls on Sunday.

Sec. repealed.

circuit, being composed of the fifth and seventh common pleas districts of Ohio," passed April seventeenth, one thousand eight hundred and fifty-four, be and the same is hereby repealed.

N. H. VAN VORHES.

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

January 29, 1856.

AN ACT

To fix and provide for holding the terms of the court of common pleas, in the fourth common pleas district of Ohio.

Terms of com-
mon pleas, 4th
district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the court of common pleas shall be held in the several counties of [the] fourth common pleas district of Ohio, as follows :

Erie.

In the county of Erie, on the second Monday of February, fourth Monday of May, and first Monday of October ;

Huron.

In the county of Huron, on the first Monday of March, the second Monday of June, and fourth Monday of October ;

Lucas.

In the county of Lucas, on the second Monday of March, third Monday of June, and first Monday of November ;

Sandusky.

In the county of Sandusky, on the fourth Monday of March, fourth Monday of June, and the third Monday of November ;

Ottawa.

In the county of Ottawa, on the first Tuesday of April, first Tuesday of July, and first Monday of December ;

SECOND SUB-DIVISION.

Lorain.

In the county of Lorain, on the second Tuesday of February, the second Tuesday of May, and the first Wednesday after the second Tuesday of October ;

Medina.

In the county of Medina, on the first Monday of March, the first Monday of June, and the first Monday of November ;

Summit.

In the county of Summit, on the fourth Tuesday of March, the third Tuesday of June, and the third Tuesday of November ;

THIRD SUB-DIVISION.

Cuyahoga.

In the county of Cuyahoga, on the fifteenth day of February, the seventeenth day of May, the second day of August,

and the fifteenth day of November; Provided, that the August term of said court in Cuyahoga county, shall be a term for the transaction of criminal business only; and, provided also, that whenever any of said days shall come on Saturday or Sunday, the term shall commence on the Monday following.

August term
for criminal
business.

Proviso.

SEC. 2. That whenever the state of business in any of the said courts of common pleas is such as to render it necessary, such court shall have power to appoint and hold an adjourned term for the purpose of completing the business of any regular term, upon notice thereof being entered upon the journals of said court.

Adjourned
term.

Notice.

SEC. 3. That an act entitled an act to fix and provide for holding the terms of the court of common pleas in the fourth judicial district of Ohio, passed April 5, 1854, be, and the same is hereby repealed; Provided, this repeal shall not affect any act done or right acquired under the act hereby repealed.

Act repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THO. H. FORD,
President of the Senate.

January 31, 1856.

AN ACT

To fix and provide for holding the terms of the court of common pleas in the several counties composing the second sub-division of the fifth judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the court of common pleas shall be holden in the several counties of the second sub-division of the fifth judicial district of Ohio, as follows: In the county of Ross on the third Monday in February, third Monday in June, and the second Monday in November. In the county of Highland on the third Tuesday in March, the first Tuesday in June, and the first Wednesday after the second Tuesday in October. In the county of Fayette on the first Tuesday in April, the first Monday in July, and the fourth Monday in October.

Terms of com-
mon pleas in
fifth judicial
district, sec-
ond sub-divi-
sion.

SEC. 2. That whenever the state of business shall require it, or when it may become necessary, from any good cause, the judge of said court of common pleas may appoint, and hold adjourned terms of said court in any or all of the counties composing said sub division, for the purpose of completing the business of any regular term, an order for such purpose, stating the time of holding any such adjourned

Adjourned
terms.

Order there-
for.

terms, having been first entered upon the journal of the court, at the regular term at which such adjourned term shall be appointed.

In case of failure and undisposed business, special term to be held.

Order therefor to issue to clerk prior to special term.

Publication.

SEC. 3. That whenever from any cause there shall be a failure to hold any of the stated or adjourned terms of said court, in any county of said sub-division as in this act provided, or when it shall be necessary for the transaction of any business that could lawfully be done at any regular term of said court, such judge shall have power to hold special terms of said court within and for any county in said sub-division. And when such judge shall determine to appoint any such special term, he shall issue his written order to the clerk of the court of common pleas of the county in which such special term is to be holden, specifying therein the time at which the same shall begin, and the object for which the same shall be called, such order shall be issued to the clerk, at least three weeks prior to the time fixed for the commencement of such special term, who shall forthwith cause the same to be published in some newspaper in the county, of general circulation therein, and shall proceed to perform such duties as may be necessary in view of such special term, and all business done at any such special term or at any adjourned term as in this act provided, shall be as valid as if transacted at any regular term provided for by law.

Sec. repealed.

SEC. 4. That section three of the act entitled "an act to fix and provide for holding the terms of the court of common pleas in the several counties of the fifth judicial district in Ohio," passed January 31, 1854, be, and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

January 28, 1856.

AN ACT

Supplementary to an act entitled "an act regulating the elections in railroad, turnpike road, canal, and slack-water navigation companies, where the State is a stockholder, &c.," passed March 29, 1841.

Extending provisions of act passed March 29, 1841, to railroad companies in which

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act entitled "an act regulating the elections in railroad, turnpike road, canal, and slack-water navigation companies, where the State is a stockholder, &c.," passed March 29, 1841, relating to turnpike

road, canal and slack-water navigation companies, be, and are hereby extended and applied to railroad companies in which the state is a stockholder.

the State is a stockholder. When in force.

Sec. 2. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

January 31, 1856.

AN ACT

To fix and provide for holding the terms of the court of common pleas in the several counties of the first sub-division of the fifth judicial district in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas, shall be held in and for the several counties of the first sub-division of the fifth judicial district of Ohio, at the times following, to wit:

Terms of common pleas, 1st sub-division, Fifth district.

In the county of Clermont, on the second Tuesday of March, second Tuesday of July, and third Tuesday of October.

Clermont.

In the county of Brown, on the third Tuesday of April, the first Tuesday of August, and first Tuesday of November.

Brown.

In the county of Adams, on the first Tuesday of April, and the fourth Tuesday of July, and the third Tuesday of November.

Adams.

Sec. 2. That whenever the state of business shall require it, or when it may become necessary, from any good cause, the judge of said court of common pleas, may appoint and hold adjourned terms of said court in any or all of the counties composing said sub-division, for the purpose of completing the business of any regular term, an order for such purpose, stating the time of holding any such adjourned term, having been first entered upon the journal of the court at the regular term, at which such adjourned term shall be appointed.

Adjourned terms.

Order of judge.

Sec. 3. That whenever from any cause, there shall be a failure to hold any of the stated or adjourned terms of said court in any county of said sub-division, as in this act provided, or when it should be necessary for the transaction of any business that could lawfully be done at any regular term of said court, such judge shall have power to hold special terms of said court within and for any county in said sub-division. And when such judge shall determine to appoint any such

In case of failure, and business not disposed of, special terms to be held.

Order there-
for. special term, he shall issue his written order to the clerk of the court of common pleas of the county in which such special term is to be holden, specifying therein the time at which the same shall begin and the object for which the same shall be called. Such order shall be issued to the clerk at least

When issued. three weeks prior to the time fixed for the commencement of such special term, who shall forthwith cause the same to be

Publication. published in some newspaper in the county, of general circulation therein, and shall proceed to perform such duties as may be necessary in view of such special term, and all business done at such special term, or at any adjourned term, as in this act provided, shall be as valid as if transacted at any regular term provided for by law.

Sec. repealed. SEC. 4. That sections one and three of the act entitled "an act to fix and provide for holding the terms of the court of common pleas in the several counties of the fifth judicial district of Ohio," passed January 31, 1854, be, and the same are hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THO. H. FORD,
President of the Senate.

February 7, 1856.

AN ACT

To amend section sixty-seven of an act entitled "an act supplementary to the act defining the jurisdiction and regulating the practice of probate courts," passed May 1, 1854.

Section 67 of
act passed
May 1, 1854,
amended. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-seven of an act entitled "an act supplementary to the act defining the jurisdiction and regulating the practice of probate courts," passed May 1, 1854, be so amended as to read as follows: Section 67.

Appeals from
probate court. That appeals may be taken from any order, decision or decree of the probate court, in settling the accounts of an executor, administrator or guardian, in proceedings for the sale of real estate for the payment of debts, or in proceedings for the execution and completion of real contracts, by any person against whom such order, decision or decree shall be made, or who may be affected thereby, to the court

In what cases. of common pleas, of the proper county, and the cause so appealed shall be tried, heard and decided in the court of common pleas, in the same manner as though the said court of common pleas had original jurisdiction thereof. This act

To common
pleas. to apply to all cases now pending, and to take effect from and after its passage.

To apply to
cases now
pending.

SEC. 2. That said section sixty-seven of said act, supplementary to the act defining the jurisdiction and regulating the practice of probate courts, passed May 1, 1854, be and the same is hereby repealed. Section repealed

N. H. VAN VORHES,
Speaker of the House of Representatives.
THO. H. FORD,
President of the Senate.

February 7, 1856.

AN ACT

To amend the act entitled "an act to fix permanently the times for holding the courts of common pleas in the seventh judicial district," passed January 31, A. D., 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas shall be held in the several counties of the third sub-division of the seventh judicial district, as follows, to wit: Terms of common pleas in 3rd sub-division, 7th district.

SEC. 2. That the spring terms shall be held in the county of Washington, on the third Tuesday next after the second Monday of February; Spring terms.
Washington;

In the county of Athens, on the second Monday; Athens;

In the county of Meigs, on the third Tuesday; Meigs;

And in the county of Gallia, on the fourth Monday, next after the said third Tuesday, next after the said second Monday of February. Gallia.

SEC. 3. That the summer terms shall be held in the county of Washington, on the Thursday next preceding the second Monday of May; Summer terms.
Washington;

In the county of Athens, on the second Monday; Athens;

In the county of Meigs, on the third Tuesday; Meigs;

And in the county of Gallia, on the fourth Monday, next after the said Thursday, next preceding the said second Monday of May. Gallia.

SEC. 4. That the fall terms shall be held in the county of Washington, on the first Thursday next after the second Tuesday of October; Fall terms.
Washington;

In the county of Athens, on the second Monday; Athens;

In the county of Meigs, on the third Tuesday; Meigs;

And in the county of Gallia, on the fourth Monday, next after the said first Thursday, next after the said second Tuesday of October. Gallia.

SEC. 5. That the eighth, ninth and tenth sections of the act to fix permanently the times for holding the courts of Sections repealed.

common pleas in the seventh judicial district, passed January 31, A. D., 1854, be and the same are hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

February 8, 1856.

AN AOT

To prescribe the time for holding the court of common pleas in the third sub-division of the fifth judicial district.

Terms of common pleas, 3d sub-division, 5th district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas for the several counties in the third sub-division of the fifth judicial district of Ohio, shall be held annually hereafter, as follows, to wit:

Pickaway;

In the county of Pickaway, on the third Tuesday of February, the first Tuesday of June, and the sixth Tuesday after the first Tuesday of October;

Madison;

In the county of Madison, on the third Tuesday after the third Tuesday of February, the third Tuesday of June, and the eighth Tuesday after the first Tuesday in October;

Franklin.

In the county of Franklin, on the fifth Tuesday after the third Tuesday in February, the second Friday after the third Tuesday of June, the first Tuesday of October, and the third Tuesday of January.

Franklin.

SEC. 2. That at the terms for Franklin county, commencing on the second Friday after the third Tuesday of June, and on the third Tuesday of January, no civil business shall be transacted requiring the intervention of a jury, or in which it shall be necessary to examine witnesses in open court.

What business not to be transacted in certain terms.

Order for jury in criminal causes.

SEC. 3. If the judge of said court shall deem it expedient, he may, by his written order to the clerk, require the drawing and summoning of such jury or juries as he may deem necessary to dispose of the criminal business then pending, or which may be brought before the court, at either of the terms referred to in the next preceding section; and, unless the clerk shall receive such order, no jury shall be drawn or summoned for said terms.

Special terms.

SEC. 4. The judge of said court shall also have power to hold special terms within, and for any county in said sub-division, with or without any jury or juries, as such judge may direct, for the transaction of any business which could lawfully be done at any regular term of said court, whenever such terms shall, in his opinion, be necessary. Before

such special terms shall be held, the judge shall deliver his written notice thereof to the clerk, who shall publish the same at least thirty days prior to such terms, in some newspaper printed and in general circulation in said county. And it shall be the duty of such clerk, and the other officers of said court, to perform such duties as may be necessary preparatory to the holding of such special terms.

Notice.

Duties of clerk.

SEC. 5. The clerk of said court, in any county in which, from any causes there shall not be sufficient time before any term to draw juries, and issue writs, as pointed out by the law relating to juries, shall proceed to draw juries and issue writs for them, at any time before such terms, and the same shall be as valid and binding as if issued in pursuance of said law.

Clerk shall draw juries & issue writs in certain cases.

SEC. 6. That the fourth section of the act entitled "an act to fix and provide for holding the terms of the court of common pleas in the several counties of the fifth judicial district in Ohio," passed January 31, 1854, be and the same is hereby repealed.

Section repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOS. H. FORD,
President of the Senate.

February 8, 1856.

AN ACT

To amend the third section of an act entitled an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the court of common pleas shall be held annually in the several counties composing the second sub-division of the eighth judicial district of Ohio, as follows, to wit:

Terms of common pleas, 2d sub-division. 8th district.

In the county of Belmont, on the second Tuesday of February, the last Tuesday of April, and the third Tuesday of September;

Belmont;

In the county of Guernsey, on the first Tuesday of March, the fourth Tuesday of May, and the first Tuesday after the fourth Tuesday in October;

Guernsey;

In the county of Monroe, on the third Tuesday of March, the second Tuesday of June, and the third Tuesday of October.

Monroe.

SEC. 2. That section third of an act entitled "an act to fix and provide permanently for holding the terms of the

Section repealed.

court of common pleas in the eighth judicial district of Ohio," passed February 6, 1854, be and the same is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

February 8, 1856.

AN ACT

To fix and provide for the holding of the terms of the court of common pleas in the several counties of the second judicial district of Ohio.

[FIRST SUB-DIVISION.]

Term of common pleas in 2d district.

First sub-division.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas shall be holden in the several counties of the second judicial district of Ohio, as follows: In the county of Butler, on the second Monday of February, the third Monday of August, and the third Monday of October. In the county of Preble, on the third Monday of March, the third Monday of September, and the first Monday of December. In the county of Darke, on the first Monday of April, the first Monday of October, and the fourth Monday of December.

[SECOND SUB-DIVISION.]

2d sub-division.

In the county of Miami, on the second Tuesday of March, on the first Tuesday of August, and on the first Tuesday of October. In the county of Champaign, on the last Tuesday of February, on the third Tuesday of August, and on the third Tuesday of October. In the county of Montgomery, on the fourth Tuesday of March, the fourth Tuesday of July, and the first Tuesday of November.

[THIRD SUB-DIVISION.]

3d sub-division.

In the county of Greene, on the last Monday of February, the third Monday of July, and the fourth Monday of September. In the county of Clinton, on the third Tuesday of March, the first Monday of August, and the second Monday of October. In the county of Warren, on the first Monday of April, the third Monday of August, and the first Monday of November. In the county of Clark, on the last Monday of April, the first Monday of September, and the fourth Monday of November.

SEC. 2. That in addition to the foregoing terms in that behalf provided for, either of the judges of the court of common pleas within said district, is hereby authorized to adjourn over to any special term for the purpose of completing unfinished business or whenever the same may be considered for the public good. Such judge may order and hold after proclamation as prescribed in the act authorizing special sessions of the court of common pleas, passed March 2, 1852, within any of the counties constituting said district, a special term for the transaction and adjudication of criminal or civil business, or both, as such judge may order and direct, and all the business thus done—adjudicated or determined, shall be as valid as if done, adjudicated and determined at any regular term appointed and provided for by the legislature.

Adjourned
terms.

Judge's order

SEC. 3. The clerk of the court of common pleas of any of said counties in which there shall not be sufficient time to draw juries and issue writs of *vinira facias* before the first or any *other* term as pointed out in the fourth section of the act relating to juries shall nevertheless draw juries and issue writs at any time before the sitting of such courts, and the court when convened may order the same to be returned forthwith, and the sheriff to whom any writ may be issued shall serve and return the same according to command thereof and such service and return shall be as valid as if such writ had been issued thirty days previous to the sitting of the court.

When clerk
shall issue
writs and
draw juries in
certain cases.

SEC. 4. If in the opinion of the judge of the court of common pleas elected in the second sub-division of said second judicial district, the public interest will be thereby subserved, he may dispense with the drawing and summoning of the grand or petit jury, or both, for the July term of said court for Montgomery county. And if the petit jury be so dispensed with, those cases in which the parties do not require the intervention of a jury may be docketed and tried, irrespective of cases in which such intervention is required.

Drawing of
juries for July
term in Mont-
gomery Co.,
may be dis-
pensed with.

Cases in
which jury is
not wanted.

SEC. 5. That the act entitled "an act to fix and provide for the terms of the court of common pleas in the several counties of the second judicial district of Ohio," passed February 9, 1853, and the act amending the first section thereof, passed March 25, 1854, be, and the same is hereby repealed.

Acts repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOS. H. FORD,
President of the Senate.

February 8, 1856.

AN ACT

Jurisdiction
over certain
lands ceded to
United States.

Ceding to the United States of America jurisdiction over certain lands and their appurtenances in the cities of Cincinnati, Toledo, Sandusky and Cleveland, Ohio, and exempting the same from taxation.

Preamble.

WHEREAS, The United States have recently appropriated money for the purchase of sites in the cities of Cincinnati, Toledo, Sandusky and Cleveland, for the erection of certain buildings thereon, to be occupied as custom houses, and for other purposes of a public nature, and, whereas, it is deemed by this General Assembly highly necessary to the interests of said cities, that said buildings should be erected. Therefore,

Cession of
jurisdiction.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That jurisdiction of the lands and their appurtenances that have been or may be purchased in said cities for the erection of the aforesaid buildings be, and is hereby ceded to the United States of America ; Provided, however, that all civil and criminal process issued under the authority of said State, or any officer thereof may be executed on said lands, and in the buildings that may be erected thereon in the same way and manner as if jurisdiction had not been ceded as aforesaid ; "Provided, also, that the quantity of land purchased, or to be purchased for the purpose aforesaid shall not exceed one acre in each of the cities aforesaid."

Proviso.

Lands not to
exceed one
acre in each
city.

Exempt from
taxation.

SEC. 2. That the lands above described, with their appurtenances, and all buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county, and municipal taxation and assessment whatever, so long as the same shall remain the property of the said United States of America.

When to take
effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

1

AN ACT

To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

Act amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the one hundred and first section of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be, and the same is hereby amended,

so as to read as follows, to wit: Section CI. There shall be no reply, except upon the allegation of a counter claim or set off in the answer; but the plaintiff may demur to the answer for insufficiently stating in his demurrer the grounds thereof; and he may demur to one or more of the defences set up in the answer; and where the answer contains new matter constituting a counter claim or set off, the plaintiff may reply to such new matter, denying generally or specifically, each allegation controverted by him, and he may allege in ordinary and concise language, and without repetition, any new matter not inconsistent with the petition, constituting a defence to such new matter in the answer.

Reply, in what cases.

Demurres to answer.

When plaintiff may reply and allege new matter.

Sec. 2. That original section one hundred and one, and section one hundred and two of the act to which this is an amendment, be, and the same are hereby repealed.

Sec. repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

When in force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

AN ACT

To fix and provide for the terms of the district court in the second circuit, composed of the fourth and sixth common pleas districts of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the district court shall be held in the several counties of the fourth and sixth common pleas districts as follows:

Terms of district court in second circuit.

FOURTH COMMON PLEAS DISTRICT.

In the county of Erie, on the seventh of April.
In the county of Ottawa, on the eighteenth day of April.
In the county of Lucas, on the twenty-first day of April.
In the county of Sandusky, on the fifth day of May.
In the county of Huron, on the ninth day of May.
In the county of Lorain, on the fifteenth day of September.

Fourth common pleas district.

In the county of Medina, on the twenty-second day of September.

In the county of Summit, on the twenty-ninth day of September.

In the county of Cuyahoga, on the eleventh day of October.

SIXTH COMMON PLEAS DISTRICT.

Sixth common pleas district.

In the county of Knox, on the tenth day of May.

In the county of Richland, on the nineteenth day of May.

In the county of Morrow, on the twenty-sixth day of May.

In the county of Delaware, on the twenty-ninth day of May.

In the county of Licking, on the fourth day of June.

In the county of Coshocton, on the eighteenth day of June.

In the county of Holmes, on the twenty-sixth day of June.

In the county of Wayne, on the second day of July.

In the county of Ashland, on the twenty-third day of July.

Special terms.

SEC. 2. If from any cause a failure to hold the prescribed terms of the district court in any of the counties aforesaid should occur, it shall be the duty of the judges of the district court, on giving thirty days previous notice in such county to hold special terms of the district court in such county within the same year, to dispose of the business pending, and should important business arise in the district court in any of said counties, which cannot be disposed of at the stated term of the court for want of time, it shall be lawful for the judges of the district court to hold a special term of said court in such county, at such time as they shall determine, on giving thirty days previous notice thereof in such county.

When day named falls on Sunday.

SEC. 3. Should any day herein named for holding the terms of the district court fall on Sunday, the said court shall commence and be held on the next day.

Act repealed.

SEC. 4. That the act entitled "an act to fix and provide for the terms of the district court in the second circuit being composed of the fourth and sixth common pleas districts of Ohio," is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

February 20, 1856.

AN ACT

To amend an act entitled "an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of Ohio," passed February 6, 1854.

Amendments to act for holding terms of common pleas in 8th district

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of the act entitled "an act to fix and provide permanently for holding the terms of the court of common pleas in the eighth judicial district of

Ohio," passed February 6, 1854, be and the same is hereby so amended as to read as follows: Section 2. In the county of Muskingum, on the fourth Tuesday of February, the third Tuesday of May, and the fourth Tuesday of October;

Muskingum;

In the county of Morgan, on the fourth Tuesday of March, the third Monday of June, and the third Monday of October;

Morgan;

In the county of Noble, on the first Tuesday of April, the fourth Monday of June, and [the] first Tuesday of October.

Noble.

SEC. 2. That section two, of the act aforesaid, be and the same is hereby repealed.

Section repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

AN ACT

To amend an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and thirteen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, be and the same is hereby so amended as to read as follows: Sec. cccxm. No party shall be allowed to testify by virtue of the provisions of section three hundred and ten, where the adverse party is the executor, or administrator of a deceased person where the facts to be proven transpired before the death of such deceased person except to testify to the validity of books of account of not more than eighteen months standing. The deposition of a party shall not be used in his own behalf unless the legal notice required in other cases where depositions are to be taken, shall also specify that the deposition to be taken is that of the party: Provided, That if the deposition of a party be taken in any pending suit, and such party shall die before the trial thereof it shall be lawful for the opposite party to testify as to all matters contained in said deposition, if the same be offered in evidence.

Amendment to section 313: of civil code.

When party shall not testify.

Exception.

Deposition of party.

Proviso.

SEC. 2. This act shall be applicable to all civil actions or proceedings now pending and undecided which have been commenced since the taking effect of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

To apply to cases pending:

Section re-
pealed.

SEC. 3. That the original section number three hundred and thirteen, be and the same is hereby repealed.

A party may
testify when
adverse party
is executor or
administrator
if partner of
deceased tes-
tifies.

SEC. 4. That nothing in sec. 313 shall be construed so as to prevent a party testifying where the adverse party is an administrator or executor when the testimony of a person is taken by deposition, or otherwise, who was a partner of the deceased at the time the subject matter in controversy transpired, and was originally interested therein.

N. H. VAN VORHES,
Speaker of the House of Representatives.

LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

AN ACT

To fix and provide for holding the terms of the court of common pleas in the several counties of the third judicial district of Ohio.

Terms of com-
mon pleas, 3d
district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the courts of common pleas for the several counties in the third judicial district of Ohio, shall be held annually hereafter as follows, to wit :

FIRST SUB-DIVISION.

First sub-di-
vision.

In the county of Allen, on the first Tuesday of March, the second Tuesday of May, and the first Tuesday of October ;

In the county of Hardin, on the second Tuesday of March, the third Tuesday in May, and the second Tuesday of October ;

In the county of Logan, on the third Tuesday of March, the fourth Tuesday of May, and the third Tuesday of October ;

In the county of Union, on the first Tuesday of April, the second Tuesday of June, and the first Tuesday of November ;

In the county of Marion, on the second Tuesday of April, the third Tuesday of June, and the second Tuesday of November ;

In the county of Shelby, on the fourth Tuesday of April, the first Tuesday of July, and the fourth Tuesday of November ;

In the county of Auglaize, on the first Tuesday of May, the second Tuesday of July, and the second Tuesday of December.

SECOND SUB-DIVISION.

In the county of Paulding, on the 4th day of March, and the 24th day of November; Second sub-division.

In the county of Van Wert, on the 28th day of April, and the 8th day of December;

In the county of Fulton, on the 24th day of March, the 10th day of July, and the 21st day of October;

In the county of Williams, on the 31st day of March, the 17th day of July, and the 14th day of October;

In the county of Defiance, on the 1st day of April, the 24th day of July, and the 27th day of October;

In the county of Henry, on the 15th day of April, and the 10th day of November;

In the county of Mercer, on the 21st day of April, and the 17th day of November;

In the county of Putnam, on the third Tuesday of June, and the 15th day of December.

THIRD SUB-DIVISION.

In the county of Wood, on the fourth Tuesday of February, the second Tuesday of June, and the second Monday of October; Third sub-division.

In the county of Seneca, on the second Tuesday of March, the third Tuesday of June, and the fourth Monday in October;

In the county of Hancock, on the first Tuesday of April, the first Tuesday of July, and the third Tuesday of November;

In the county of Wyandot, on the third Tuesday of April, the second Tuesday of July, and the fourth Tuesday of November;

In the county of Crawford, on the fourth Tuesday of April, the third Tuesday of July, and the second Tuesday of December.

SEC. 2. The judges of the court of common pleas within said judicial district, shall each have power to hold special terms within and for any county in said district for the transaction of any business which could lawfully be done at any regular term of said court, whenever such term shall, in his opinion, be necessary. But before any such special term shall be held, the judge shall deliver his written notice thereof to the clerk, who shall publish the same at least three successive weeks, in some newspaper printed and in general circulation in said county. And it shall be the duty of said clerk, and the other officers of said court, to perform such duties as may be necessary, preparatory to the holding of such special terms. Special terms.
Judge's order.
Clerk's duties

SEC. 3. The clerk of said court in any county in which, from any cause, there shall not be sufficient time before any Drawing juries and issues

ing writs in
certain cases.

term to draw juries and issue writs, as pointed out by the law relative to juries, shall proceed to draw juries and issue writs for them at any time before such term, and the same shall be as valid and binding as if issued in pursuance of said law.

Act repealed.

SEC. 4. An act to fix and provide for holding the terms of the courts of common pleas in the several counties of the 3d judicial district of Ohio, passed March 1st, 1854, is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

February 20, 1856.

AN ACT

To repeal the act entitled "an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars," passed May 1, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "an act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars," passed May 1, 1854, be, and the same is hereby repealed. Provided that nothing herein contained shall effect any action or prosecution that may have been commenced under the provisions of the act hereby repealed.

Act repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 5, 1856.

AN ACT

Curwen's R.
S. 2153.

To amend the 8th section of an act entitled "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages.

Sec. amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the eighth section of said act be amended so as to read as follows:

Council may
appropriate
lands for

The city council of any city shall have power to enter upon and take possession of any lands, water rights or easements connected with the use of water, which may be deemed

necessary for the construction, erection or extension of water works or the laying down of pipe, and any land, water right or easement so taken possession of for water works purposes, shall not be liable to be made use of, or taken possession of for any other purpose whatever, except by consent of the trustees of water works and the city council; when it becomes necessary to appropriate lands, water rights or easements, for such purposes as hereinbefore mentioned, the proceedings shall be the same as provided in sections twenty-seven, twenty-eight and twenty-nine of the act for the organization of cities and incorporated villages, passed May 3, 1852.

water works purposes.

SEC. 2. That the original section to which this is an amendment, be and the same is hereby repealed.

Sec. repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

When in force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 5, 1856.

AN ACT

To amend section 105 of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, [cases] passed March 14, 1853.

Curwen's R.
S. 2052.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and five of an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases, passed March 14, 1853, be so amended as to read as follows: Sec. 105. If either party fail to appear at the return day of the summons, or fail to attend at the time to which a trial has been adjourned, or fail to make the necessary bill of particulars, or fail in the proofs, the cause may proceed at the request of the adverse party, and in all cases where a set off or counter claim has been filed before the dismissal of the cause by the plaintiff, the defendant shall have the right of proceeding to the trial of his claim, although the plaintiff may have dismissed his action. In no case shall it be necessary to prove the execution of any bond, promissory note, bill of exchange or contract, or other written instrument, or any indorsement thereon, upon which suit is brought, or set off or counter claim based, unless the party sought to be charged as the maker, acceptor or endorser of such bond, promissory note

Sec. amended.

When party fails to appear cause may proceed.

Set off.

When written contract to be proved.

or bill of exchange, shall make and file with the justice of the peace before whom the suit is pending, an affidavit that such instrument of writing was not made, given, subscribed, accepted or indorsed by him.

Sec. repealed. Sec. 2. That section 105 of said act is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 5, 1856.

AN ACT

Making appropriations to pay the indebtedness of the benevolent institutions and new state house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated, out of the funds in the treasury of this state, applicable to general revenue purposes, the following sums :

Ohio lunatic asylum. To pay the indebtedness of the Ohio lunatic asylum, the sum of twenty-four thousand and twenty-five dollars and forty-one cents.

Newburg asylum. To pay the indebtedness of the lunatic asylum at Newburg, the sum of fifty thousand nine hundred and seventy-five dollars and twenty-eight cents.

Dayton asylum. To pay the indebtedness of the lunatic asylum at Dayton, the sum of sixty-seven thousand six hundred and eighty-two dollars and forty-nine cents.

Deaf & dumb asylum. To pay the indebtedness of the deaf and dumb asylum the sum of three thousand four hundred and eighty-eight dollars.

Blind asylum. To pay the indebtedness of the blind asylum the sum of twenty-three hundred dollars.

State house. To pay the indebtedness of the new state house the sum of one hundred and ninety-six thousand two hundred and thirty-seven dollars and thirty-two cents; provided that no money shall be paid on account of any indebtedness contracted for the new state house or for the lunatic asylum at Newburg, or at Dayton, unless for work actually done or for materials actually received and used in the construction thereof, and in such cases not exceeding three-fourths of the cash value of such work or materials until provision shall be made by law authorizing further payment; and provided also, that all such payments shall be made by warrants drawn by the auditor of state on the state treasury in favor of the person or persons to whom such payments are due, and that the auditor shall be satisfied as to the actual cash value of the

Provisos.

work done or materials delivered, before he shall draw any such warrant ; and provided further, that nothing in this act contained shall be construed as recognizing or adopting any contracts made by the persons claiming to be commissioners of the new state house, nor any contract relating to either of the last named lunatic asylums or to the new state house, involving an expenditure of any or sums of money beyond the unexpended balance of appropriations made therefor.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 15, 1856.

AN ACT

To amend the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two hundred of the "act to establish a code of civil procedure," be so amended as to read as follows: Sec. 200. When the plaintiff, his agent or attorney, shall make oath, in writing, that he has good reason to, and does, believe that any person or corporation, in said affidavit named, has property of the defendant in his possession, (describing the same,) if the officer cannot get possession of such property, he shall leave with such garnishee a copy of the order of attachment, with a written notice that he appear in court and answer as provided in section two hundred and fourteen. If the garnishee shall not reside in the county in which the order of attachment shall be issued, the process shall be served by the proper officer of the county in which the garnishee shall reside, and the answer of the garnishee shall be made before the clerk of the court of common pleas of the county in which the garnishee may reside, within the time required for the filing of answers by garnishees. Any special examination of such garnishee, which may be ordered by the court, shall be in the county in which he may reside, and should suit be brought against such garnishee, under the provisions of section two hundred and eighteen of this act, such suit shall be brought in the county in which the garnishee shall reside. The clerk of the court of common pleas before whom the answer aforesaid shall be made, shall transmit the same to the clerk of the court in which the suit shall be commenced, in the same manner as depositions are required to be directed and transmitted, and shall receive

Ourwen's R.S.
1968.

Proceedings
against garni-
shee.

Process—by
whom served.

Where suit to
be brought.

Clerk's duties

Execution.

Officers made
garnishees.

for his services such fees as are allowed by law for taking depositions, and to clerks for furnishing certificates, with their seals of office attached. In all cases in which the garnishee shall admit an indebtedness to the defendant, and the court shall order the payment of the same, or any part thereof, to the plaintiff, if the garnishee shall not pay the same according to such order, execution may issue thereon as upon judgments for the payment of money. The service of process upon a sheriff, coroner, constable, master commissioner, marshal of an incorporated city or village, or other officer having any money, claim, or other property of the defendant in his possession, or in which the defendant may have any interest, shall bind the same from the time of such service, and shall be a legal excuse to such officers to the extent of the demand of the plaintiff, for not paying such money or delivering such claim, or property to the defendant as by law, or the terms of process in his hands he would otherwise be bound to do.

[SEC. 2.] Original section two hundred of the act aforesaid is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

March 17, 1856.

AN ACT

To amend an act to establish the superior court of Cincinnati, passed April 7, 1854.

Act amended.

Removal of
cases from
common pleas
of Hamilton
county to su-
perior court of
Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the parties to any suit at common law, or in chancery, or to any civil action, pending in the court of common pleas of Hamilton county, at the date of the said act to which this is an amendment, and still pending therein, of which the said superior court of Cincinnati, would have jurisdiction, if originally commenced therein, may, by written consent, signed by themselves or their attorneys, remove the same to the said superior court of Cincinnati. The clerk of the court of common pleas, upon the application to remove, shall make out a statement under seal, of the docket entries in such case, with a statement of his costs, and deliver the same, with all the original papers in the cause, to the parties or their attorneys, taking their receipt for the same; and upon the filing of said papers, with the written

agreement to remove, with the clerk of said superior court, he shall forthwith docket the cause, and the same shall henceforth be considered in said court, and be proceeded in, as if the same had been originally commenced in that court, having regard to the former proceedings, the agreement to remove, and the costs before accrued, in the final record, as may be right and proper; and when such cause is removed from the court of common pleas, as aforesaid, the clerk shall enter such removal on his docket, and from thenceforth the said cause shall not be considered in that court.

Sec. 2. That the twenty-sixth section of said act "to establish the superior court of Cincinnati," be and same is hereby repealed. But such repeal shall not affect any cause heretofore transferred from said court of common pleas to said superior court of Cincinnati.

Sec. repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 17, 1856.

AN ACT

To amend the sixteenth section of an act entitled "an act relating to the organization of courts of justice, and their powers and duties," passed February 19, 1852.

Curwen's R.
S., 1706.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in every instance where a judge of the court of common pleas is, or shall be, interested in the event of any cause, proceeding, motion or matter pending before the said court, in any county of his district, or where there shall not be a quorum of the judges of the district court of any district by reason of interest, on affidavit of either party to said cause, proceeding, motion or matter pending, or his counsel, showing the fact of such interest, it shall be the duty of the clerk of said court, to enter upon the docket thereof, an order directing that the papers and all matters belonging to said cause, motion, proceeding, or matters pending in which said judge of the court of common pleas, or of said district court is interested, shall be transmitted to the clerk of the court of a county of one of the adjoining districts; or if both parties consent thereto to the clerk of a county of another sub-division of the same district, and when a copy of said docket entry, together with all the files belonging to said cause, motion, proceeding, or matter pending, shall be filed with the clerk of the court to whom the same may be

Act amended.

Transfer of
causes in
which a judge
of common
pleas is inter-
ested.

transmitted, said clerk shall docket said cause, motion, proceeding, or matter pending, and thereupon the same shall proceed to final judgment or determination, in all respects as though the same had been originally commenced in said court last mentioned.

Sec. repealed.

Sec. 2. That the sixteenth section of the act "relating to the organization of courts of justice, and their powers and duties," passed February nineteen, one thousand eight hundred and fifty-two, be and the same is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 17, 1856.

AN AOT

To provide for holding the term of the district court in the several counties of the third common pleas district in the State of Ohio.

Term of district courts—
3d common
pleas district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of the district court shall hereafter be holden in the several counties of the third judicial district in the State of Ohio, as follows, viz:

- In the county of Shelby, on the twenty-ninth day of July;
- In the county of Mercer, on the first day of August;
- In the county of Auglaize, on the fourth day of August;
- In the county of Allen, on the sixth day of August;
- In the county of Marion, on the seventh day of August;
- In the county of Logan, on the thirteenth day of August;
- In the county of Union, on the twentieth day of August;
- In the county of Hardin, on the twenty-fifth day of August;
- In the county of Crawford, on the twenty-ninth day of August;
- In the county of Wyandot, on the first day of September;
- In the county of Seneca, on the third day of September;
- In the county of Hancock, on the tenth day of September;
- In the county of Wood, on the twentieth day of May;
- In the county of Henry, on the twentieth day of September;
- In the county of Fulton, on the twenty-second day of September;
- In the county of Williams, on the twenty-fourth day of September;
- In the county of Defiance, on the twenty-sixth day of September;
- In the county of Paulding, on the thirtieth day of September;

In the county of Van Wert, on the second day of October ;
In the county of Putnam, on the fourth day of October.

SEC. 2. If, from any cause, a failure to hold the prescribed term of the district court should occur in any of the aforesaid counties, it shall be the duty of the judges of the district court, on giving thirty days previous notice, in such county, to hold therein a special term of the district court, within the same year, to dispose of the business pending ; and should important business arise in the district court of any of said counties, which cannot be disposed of for want of time, it shall be lawful for the judges of the district court, if practicable, to hold a special term of said court, in such county, at such time as they shall determine, on giving thirty days notice in such county, and should the beginning of any term therein prescribed, fall on Sunday, the said court shall be held on the next succeeding day.

Special terms.

Notice.

SEC. 3. The act entitled "an act to provide for the terms of the district court in the several counties of the third common pleas district," passed March 25, 1854, be and the same is hereby repealed.

Act repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 17, 1856.

AN ACT

To amend an act entitled an act authorizing county commissioners to grant further time for the completion of free turnpike roads, and paying for the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section first of the act entitled "an act authorizing county commissioners to grant further time for the completion of free turnpike roads, and paying for the same," passed May 1, 1854, be so amended as to read as follows: Section 1. That when the commissioners of any free turnpike road shall fail, either for want of time or sufficient means to complete such road, it may be lawful for the county commissioners of such county or counties, through which said road may be located, to grant such extension of time for the completion of the same as to them may seem reasonable and proper. And it is hereby further declared to be lawful, in all cases of indebtedness for the erection of bridges upon the line of such free turnpike roads, for said county commissioners to discharge said indebtedness from the treasury of the county in which said bridge or bridges

Act amended.

Extension of
time for com-
pletion of
turnpikes.

Bridges.

may be located: Provided always, That said county commissioners may further continue, or cause to be continued, such special taxes as were by the original act or acts amendatory authorized to be assessed for the construction of such road, upon application of a majority of the residents who are chargeable with such special tax.

Sec. repealed. **Sec. 2.** That the original section one be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 17, 1856.

AN ACT

Supplementary to an act entitled an act to provide for draining and reclaiming swamp and overflowed lands granted to the State of Ohio, by act of Congress, approved September 28, 1850, passed March 2, 1853.

**Supplementa-
ry act.** **SECTION 1.** *Be it enacted by the General Assembly of the*
Swamp lands. *State of Ohio,* That the county commissioners of any county
in which any of such swamp or overflowed lands may be sit-
uate, and for the draining and reclamation of which con-
tracts have heretofore been let, under the provisions of the
act to which this is supplementary, may, at their discretion,
Renewal of renew such contracts, when the same have expired by the
contracts. limitation of said act, upon the same terms as originally
made; said contracts not to be renewed for a term of more
than two years from their expiration, under the act to which
this is supplementary.

**Additional se-
curities.** **SEC. 2.** Said county commissioners may, when they deem
it necessary, require additional bonds, payable to them, for
the use of the county, from contractors renewing their con-
tracts as aforesaid, with security to the satisfaction of said
commissioners, for the faithful performance of their contracts,
in such reasonable time as the said commissioners may
designate, not exceeding two years as above provided.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 17, 1856.

AN ACT

To repeal the act entitled "an act to amend the act supplementary to the act to prevent unauthorized banking, and the circulation of unauthorized bank paper," passed February 24, 1848.

Ourwen's B.
S. 1427.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the "act to amend the act supplementary to the act to prevent unauthorized banking and the circulation of unauthorized bank paper," passed February 24, 1848, be, and the same is hereby repealed.

Repealed.

SEC. 2. The provisions of the act hereby repealed shall not operate upon, nor affect any contract made after the "act to prohibit the circulation of foreign bank bills of a less denomination than ten dollars," passed May 1, 1854, took effect and became a law of this State.

What con-
tracts not
affected.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 17, 1856.

AN ACT

Authorizing the Governor to lay out and sell certain portions of the old Penitentiary lot in the city of Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Governor be authorized and instructed to cause to be laid out into such lots, streets and alleys, as he may deem most conducive to the value thereof, and in accordance with the general plan of the city of Columbus, the ten acres of land, conveyed to the State, by Alexander McLaughlin and John Kerr, by deed bearing date the twentieth day of November, eighteen hundred and twelve, and known as the old Penitentiary lot, in the city of Columbus; and to cause an accurate plat thereof to be made out and recorded, in the same manner as town plats, and additions to town plats, are by law required to be made out and recorded.

Old Peniten-
tiary lot to be
laid out.

Plat.

SEC. 2. That it shall be the duty of the Governor to cause the lots so as aforesaid to be laid out, to be appraised by three judicious, disinterested freeholders, to be by him appointed, who shall first be duly sworn, faithfully and impartially to appraise the same at their true value.

Appraise-
ment.

SEC. 3. That after the said land shall have been so laid out, a plat thereof recorded and the several lots appraised as herein before provided for, the Governor shall be authorized and instructed at such time as he may think proper to

Sale. cause one half, the number of lots thereof, alternate or otherwise, as he shall deem best for the interests of the State, to be offered for sale at public auction, having first given at least sixty days notice of the time and place of such sale in at least three newspapers published in the city of Columbus, on such terms and in such manner as he may deem best calculated to promote the interest of the State; provided, at least one-fourth of the purchase money shall be required to be paid at the time of sale, and no lot shall be sold at less than the appraised value; and provided further, that if at such sale no responsible bid be received at or above the said appraised value of said lots, he is authorized to have said unsold lots re-appraised if he shall deem best, in manner as herein before provided.

Terms.

Proceeds. SEC. 4. That the money arising from the sales of the lots, as so aforesaid authorized, shall be paid into the State treasury, as a part of the general revenue of the State. Upon the payment of one fourth of the purchase money of any said lots as hereinbefore provided for, the Governor shall make and deliver to the purchaser a deed of conveyance of said lots in fee simple, and the remaining portions of said purchase money shall be secured by mortgage upon the lot or lots sold, and shall bear interest, payable annually, from the date of sale.

Governor to make deeds therefor.

Temporary exception. SEC. 5. If any portion of said premises shall be needed by the State House Commissioners, for the procuring of earth or gravel for the use of the State House or grounds around the same, such portions shall be withheld from sale until the necessary earth and gravel has been procured.

Act repealed. SEC. 6. That the sub-divisions of said ground heretofore made, except so far as the same have established Mound street, be, and the same are hereby vacated, and the act authorizing the Governor to sell the grounds herein provided for, passed March 17, 1838, be, and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 17, 1856.

AN ACT

To amend an act to fix and provide for holding the terms the courts of common pleas in the several counties of the third judicial district of Ohio, passed 20th February, 1856

Terms common pleas—3d district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the act entitled "an act

to fix and provide for holding the terms of the courts of common pleas in the several counties of the third judicial district of Ohio," passed 20th February, 1856, be amended so as to read as follows: Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the terms of the courts of common pleas shall be holden in the several counties of the third judicial district of Ohio as follows, viz:

FIRST SUB-DIVISION.

In the county of Allen, on the first Tuesday of March, second Tuesday of May, first Tuesday of October; First sub-division.

In the county of Hardin, on the second Tuesday of March, third Tuesday of May, and the second Tuesday of October:

In the county of Logan, on the third Tuesday of March, the fourth Tuesday of May, and the third Tuesday of October;

In the county of Union, on the first Tuesday of April, the second Tuesday of June, and the first Tuesday of November;

In the county of Marion, on the second Tuesday of April, the third Tuesday of June, and the second Tuesday of November;

In the county of Shelby, on the fourth Tuesday of April, the first Tuesday of July, and the fourth Tuesday of November;

In the county of Auglaize, on the first Tuesday of May, the second Tuesday of July, and the second Tuesday of December.

SECOND SUB-DIVISION.

In the county of Paulding, on the fourth day of March, and the tenth day of November; Second sub-division

In the county of Williams on the eighteenth day of March, the seventh day of July, and the fourteenth day of October;

In the county of Fulton, on the twenty-fourth day of March, the fourteenth day of July, and the twenty-seventh day of October;

In the county of Henry, on the thirty-first day of March, and the third day of November;

In the county of Defiance, on the seventh day of April, the twenty-first day of July, and the eighth day of October;

In the county of Mercer, on the twenty-first day of April, and the seventeenth day of November;

In the county of Van Wert, on the twenty-eighth day of April, and the twenty-fourth day of November;

In the county of Putnam, on the third Tuesday of June, and the first day of December.

THIRD SUB-DIVISION.

Third sub-
division.

In the county of Wood, on the fourth Tuesday of February, the second Tuesday of June, and the second Monday of October;

In the county of Seneca, on the second Tuesday of March, the third Tuesday of June, and the fourth Monday of October;

In the county of Hancock, on the first Tuesday of April, the first Tuesday of July, and the third Tuesday of November;

In the county of Wyandot, on the third Tuesday of April, the second Tuesday of July, and the fourth Tuesday of November;

In the county of Crawford, on the fourth Tuesday of April, the third Tuesday of July, and the second Tuesday of December.

Sec. repealed.

SEC. 2. Section one of the act to which this act is an amendment, be, and the same is hereby repealed; Provided that such repeal shall not invalidate any writs, orders, or proceedings legally had under said section.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 17, 1856.

AN ACT

To amend an act entitled "an act to fix and provide for holding the courts of common pleas in the sixth judicial district of Ohio," passed February 6th, 1854.

Act amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That so much of the act to which this is an amendment as provides that the court of common pleas shall be held in the county of Morrow on the first Monday of May, shall be and hereby is suspended for the years 1856 and 1857, and instead of said court of common pleas being held in said county of Morrow on the said first Monday of May, the same court shall be held in said county of Morrow on the last Monday of April, 1856 and 1857.*

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 17, 1856.

AN ACT

To provide for the government of schools and academies specially endowed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any person shall, by deed, devise, gift or otherwise, set apart any lands, moneys or effects, as an endowment of a school or academy, not previously established, and shall not provide for the management of such school or academy, the court of common pleas of the proper county shall appoint five trustees, who shall have the control and management of the property, moneys and effects, so set apart, and of the school or academy thus endowed, and shall hold their offices for five years, and until their successors are elected and qualified; but in making the first appointment the court shall appoint one trustee for one year, one for two years, one for three years, one for four years, and one for five years. The trustees shall be a body corporate, with perpetual succession and by such name as may be ordered by the court making the first appointment; may sue and be sued; have a corporate seal and the same alter or change at pleasure, and may hold all kinds of estates, real, personal and mixed, which they may acquire by purchase, donation, devise or otherwise.

Courts of common pleas to appoint trustees for schools specially endowed.

Powers of trustees.

SEC. 2. The said court shall annually appoint one trustee, to fill the vacancy then occurring; and at any other time fill vacancies that may occur from any cause, for the unexpired term, said court shall also have power, upon sufficient cause shown, reasonable notice of the time and place of hearing having been given to the party interested, remove any trustee, and may, until a hearing be had, suspend a trustee in the exercise of his office.

Filling vacancies,

and removal.

SEC. 3. The trustees shall have power to establish, from time to time, rules and regulations for the management and safe keeping of the property, moneys and effects, belonging to the trust, and the expenditure of the income thereof; and also for the management and government of the school or academy; which rules and regulation shall not be inconsistent with the terms of the deed, devise or gift, creating the endowment, or with the laws of this state; they shall not, at any time, or for any cause, incur any debt or liability, beyond the net income of the trust property, moneys and effects, or use or appropriate the same, otherwise than to invest for the purposes of income, any part of the principal thereof, unless expressly authorized so to do by the terms of the deed, devise or gift, creating the endowment or trust.

Duties of trustees.

SEC. 4. The trustees shall, immediately after their appointment, organize by appointing a president, secretary and

Same.

Oath. treasurer, from their own number, and shall severally take and subscribe an oath to faithfully discharge the duties of trustees, and deposit the same with the county auditor. They shall, also, before taking possession of the property, moneys or effects, constituting the endowment or trust, severally give bond, in such sum as the court may require, with two or more sufficient sureties, to be approved by a judge of said court, whose approval shall be indorsed on the bonds, conditioned for the faithful management of the property, moneys and effects, entrusted to them and accountability therefor in such form as the court or judge may require; and the court may, from time to time, require additional bonds and surety, as may appear necessary for the preservation of the trust estate. The bonds required shall be payable to the State of Ohio, and deposited in the office of the county auditor for safe keeping.

Bond.

Accounts to be rendered. Sec. 5. The trustees shall, on the second Monday of September, in each year, and at such other times as the court may require, render a full and accurate account, statement and exhibit, of the condition of the school or academy under their management, and the condition of the trust estate and funds; and shall cause the same to be published in such form as the court may direct; which account, statement and exhibit, shall be sworn to by the president, secretary and treasurer, or some two of them.

Visitors Sec. 6. The court of common pleas of the proper county, shall annually, at the first session after the second Monday in September, appoint three competent and disinterested persons, who shall have authority to visit any such school or academy and examine the same, together with the condition of the trust estate or endowment, and shall report thereon to the court making the appointment. The court shall also authorize such other visitations and examinations as may appear to be necessary.

When to take effect. Sec 7. This act shall apply to endowments heretofore created, as well as to those hereafter created, and shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 26, 1856.

AN ACT

To amend an act entitled "an act to create a permanent agricultural fund in the State of Ohio, and for other purposes."

Ourwen's R.
S. 1342.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any escheated lands in the State of Ohio, which may not yet be sold, or which may hereafter escheat, and be subject to sale under the act to which this is an amendment, shall, and the same is hereby authorized to be sold in the same manner as is authorized in said act, for the benefit and for the use of the regularly organized agricultural society within the county in which the said escheated lands may be situate—provided that the amount thus paid to the said agricultural society, shall not in any one case exceed six hundred dollars.

Escheated
lands to be
sold for use of
agricultural
societies.

SEC. 2. That the excess of any escheated lands sold under the provisions of this act, over and above six hundred dollars, being the proceeds of any one sale, shall not in any manner be changed from the disposition intended to be made by the act aforesaid.

Excess of
proceeds.

SEC. 3. That so much of the act to which this is an amendment, as conflicts with the provisions of this act, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

To enable railroad companies to fund their floating debts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every railroad company within this State whose liabilities exceed the amount of its capital stock actually paid in, may issue and dispose of preferred stock to an amount not exceeding the difference between its stock actually paid in and the entire amount of its debts.

Preferred
stock.

SEC. 2. It shall be lawful for such railroad company to guarantee to the holders of such preferred stock semi-annual dividends to an amount not exceeding seven per centum, per annum, payable at its office, or at such other place as the directors may designate.

Guaranty to
holders.

Dividends to
other stock.

SEC. 3. The unpreferred stock of the company shall be entitled to dividends only out of the surplus of the profits, after setting apart a sum sufficient to pay the dividends upon the preferred stock.

Privilege of
redemption.

SEC. 4. The company issuing such preferred stock may reserve the privilege of redeeming and cancelling the same at par at any time after three years from the date of its issue.

Affidavit.

SEC. 5. Before any stock shall be issued under this act, the directors of the company desiring the same shall cause to be filed in the office of the auditor of this State, the affidavit of the president or the secretary of such company, setting forth that the assent of the holders of two-thirds of the existing stock of the company has been obtained to the issue of such preferred stock, and that written evidence of that assent is on file in the office of the company.

Bonds for
payment of
unfunded
debts.

SEC. 6. Any railroad company heretofore or that may hereafter be incorporated, under the laws of this State, for the purpose of paying its unfunded debts, may issue its bonds, convertible or otherwise, bearing any rate of interest not exceeding seven per centum per annum, to an amount not exceeding two thirds of its authorized capital stock, and sell the same at such times, and at such places, within or without this State, and at such rates as the directors of such company may deem best for its interests; and if such bonds are sold at a discount, they shall be as valid in every respect as if sold at their par value, and such company may secure such bonds by a mortgage on its property or otherwise, and may at its option, increase its capital stock in an amount equal to the bonds issued as aforesaid.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN AOT

To authorize railroad companies to appoint a Vice President and to define his duties.

Vice Presi-
dents of rail-
road compa-
nies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of any railroad company now incorporated, or that may hereafter be incorporated in this State, shall elect, from their number, a vice president, whenever, in their opinion, the interests or convenience of such

company may require it. In case of the absence, death, resignation, or other disability of the president of such company, the vice president, so elected, shall exercise the same powers and discharge the same duties as properly and legally belong to the office of president, until such vacancy is filled by a new election, or such disability is removed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 29, 1856.

AN ACT

Supplementary to an act defining the powers and duties of justices of the peace and constables in criminal cases.

Curwen's R.
S. 340.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any person or persons shall be arrested for committing any offence, which by the laws of this State is punishable by fine or by imprisonment in the county jail, or by both fine and imprisonment in said county jail, he or they shall be admitted by the mayor or justice before whom he or they shall be brought, to plead guilty to the charge preferred, and the mayor or justice before whom such plea shall be pleaded, is hereby authorized to impose upon the offender or offenders such punishment as is by law affixed to the offense committed, or in his discretion to recognize such offender or offenders to appear at the next term of the proper court to answer concerning the same as in other cases, and such justice when he pronounces final sentence, is authorized to examine witnesses to ascertain the circumstances under which the offense may have been committed: Provided that the provisions of this act shall not extend to the punishment of crimes or offences mentioned in an act entitled "an act to punish certain crimes therein named," passed March 18, 1839, nor of the crimes or offences enumerated in the act entitled "an act to provide for the punishment of certain crimes therein named," passed February 27, 1834.

When persons
arrested plead
guilty, justice
may impose
punishment.

Or recognize.

Proviso.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 29, 1856.

AN ACT

To establish the superior court of Montgomery county.

Superior court
of Montgom-
ery county,—
how constitu-
ted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is, established within the county of Montgomery, a court of record, which shall be styled "the superior court of Montgomery county," and which shall be held by one judge, who shall be elected by the electors of Montgomery county, and shall hold his office for the term of five years.

Election of
judge

SEC. 2. The first election for judge of said court shall be held on the first Monday of June, 1856; and the official term of said judge shall commence on the first day of July, 1856; all subsequent elections for judge of said court shall be held on the second Tuesday of October next preceding the expiration of the regular term of any such judge; and in case the office of any such judge shall become vacant before the expiration of the regular term for which he shall have been elected, the vacancy shall be filled by appointment by the Governor, until the office shall be filled by a successor duly elected and qualified, and in case a successor shall not have been previously elected, such successor shall be elected for the unexpired term on the second Tuesday of October that next occurs more than thirty days after the vacancy shall have happened.

Vacancies.

Election.

SEC. 3. The election for judge of said court shall be held in the county of Montgomery, and shall be conducted in the manner prescribed in an act entitled "an act to regulate the election of State and county officers," passed May 3, 1852, except that the abstract and certificate of the first election shall be transmitted by the clerk of the court of common pleas of Montgomery county, to the governor, who shall issue a commission to the person elected.

Oaths and re-
moval.

SEC. 4. The judge of said court shall take the same oath and be removed for the same causes as judges of the court of common pleas.

Seal.

SEC. 5. The said court shall have a seal, to be provided by the secretary of state, at the expense of the state, having the same device as the seal of the court of common pleas, except that there shall be engraved around the margin thereof, the words "superior court of Montgomery county," instead of the words "common pleas of the county of ———."

Clerk.

SEC. 6. The clerk of the court of common pleas of Montgomery county shall be the clerk of said court hereby established; and besides the bond now required of him by law, shall give an additional bond, in not less than ten thousand dollars, nor more than thirty thousand dollars, to the acceptance of the commissioners of Montgomery county, conditioned that he will truly and faithfully pay over all moneys that may be by him received in his official capacity as clerk

Bond.

of said superior court of Montgomery county, and that he will enter and record all the orders, decrees, judgments and proceedings of said court, which he may by law be required to enter and record, and faithfully and impartially discharge and perform all the duties of said office.

Sec. 7. Sheriffs, coroners, and constables shall be bound to attend said court, preserve order, and execute and return its process, as they are required to do in the court of common pleas, and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers and the mode of proceeding against them, or either of them, for any neglect of official duty, allowing fees, and providing for the collection thereof in the court of common pleas, shall be held and deemed to extend to said superior court of Montgomery county, unless the same are, or shall be, plainly inapplicable. Officers.

Sec. 8. The superior court of Montgomery county shall be held at the court house in Dayton, or at such other convenient place in said city, as the commissioners of Montgomery county shall provide. Where held.

Sec. 9. The terms of said court shall commence on the first Monday of every month, except the months of July, August, and September, in which months terms may be held, if directed by said court at any previous term, and the terms thereof shall be respectively called after the different months in which they are held, and they may be continued and held from the time of their commencement every day. Sundays excepted, until and including the last Saturday before the first Monday of the next month. Terms.

Sec. 10. The judge of said court may dispense with any term of said court, adjourn the same on any day previous to the expiration of the term, for which the same may be held, and also from any one day in the term, over to any other day in the same term, if in his opinion, the business of the court will admit thereof. Adjournments

Sec. 11. In case said court shall not be held at the time appointed, or any term thereof shall be interrupted, by reason of the non-attendance of the judge thereof, it shall be lawful for the clerk of said court to adjourn the same from day to day, or until the next term, and all process and other proceedings shall be continued over accordingly. Non attendance of judge.

Sec. 12. The said superior court of Montgomery county shall have the same powers, authority, and original jurisdiction in civil actions and other proceedings as by the constitution and laws have been or may be conferred upon the court of common pleas, except that said superior court shall have no jurisdiction in criminal or bastardy cases, nor in applications for divorce and alimony, nor for alimony, nor for the benefit of the laws for the relief of insolvent debtors. Jurisdiction.

Summons.

Sec. 13. Where any action is rightly brought in said superior court, a summons shall be issued to any county against one or more defendants, at the plaintiff's request.

Vacating judgment.

Sec. 14. Said court shall have the same power to vacate or modify its own judgments or orders during or after the term, and to enter judgments by confession, as is, or may be, vested by law in courts of common pleas.

Process.

Sec. 15. The process of the said superior court shall have the seal affixed and be tested, directed, served and returned, and be in form as is, or may be, provided for the process of the court of common pleas, varying only in the style of the court, and to conform, as far as may be necessary, to its terms.

Rules of business and practice.

Sec. 16. Said superior court shall have full power to classify and distribute the business therein as may be necessary; to make rules and regulations for practice therein; to appoint masters, receivers, and other officers necessary to facilitate its business; to direct as to the mode of proceeding by or before said officers, and to tax costs.

Laws for common pleas and district courts to extend to superior court

Sec. 17. All laws now in force, or which may hereafter be enacted, conferring powers, authority and jurisdiction in civil cases and other proceedings, upon the courts of common pleas, or district courts, giving them power to hear and determine cases and to preserve order, and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to the said superior court of Montgomery county as fully as they extend to the said courts of common pleas and district courts, unless the same be inconsistent with this act, or plainly inapplicable; and the said superior court of Montgomery county in respect to the form and manner of all pleadings therein, and the force and effect of its judgments, orders or decrees, shall be deemed and held a court of general jurisdiction; and said court shall sign bills of exceptions, if required, the same as is provided for in trials in the courts of common pleas.

Bills of exception.**Error, to supreme court.**

Sec. 18. A judgment rendered, or final order made by said superior court of Montgomery county, may be reversed, vacated or modified, by the supreme court, for errors appearing on the record; but the petition in error in such case can be filed only by leave of the supreme court, or a judge thereof, in the same manner and within the same time as is now, or may be hereafter provided for reversing, vacating and modifying the final judgments, orders or decrees of the courts of common pleas.

Jurors.

Sec. 19. That instead of one hundred and eight, there shall hereafter be annually apportioned and selected in the county of Montgomery, two hundred and sixteen judicious persons, having the qualifications of electors, to serve as

grand and petit jurors the ensuing year, in the manner provided in the act entitled "an act relating to jurors," passed February 9, 1831; and the clerk of the court of common pleas of said county shall, at least thirty days previous to each term of said superior court, unless otherwise ordered by the judge of said court, draw in the manner provided in said act, the names of twelve persons to serve as petit jurors; and the clerk of said superior court shall forthwith issue a venire facias to the sheriff of said county, commanding him to summon the persons whose names shall have been drawn as aforesaid, to attend as petit jurors at the court house in Dayton, on the first day of the next term of said superior court.

Venire facias.

SEC. 20. The judge of said superior court of Montgomery county, in the exercise of the jurisdiction hereby conferred, and in granting remedial writs and orders, shall in the recess of said court, have the same power and authority as the judges of courts of common pleas.

Powers of judge in vacation.

SEC. 21. The judge of said superior court of Montgomery county shall be entitled to receive, annually, the sum of fifteen hundred dollars, payable in equal installments, at the state treasury on the second Monday of August, the second Monday of November, the second Monday of February, and on the second Monday of May.

Salary of judge.

SEC. 22. The commissioners of Montgomery county, in addition to the salary provided for in section twenty-one, may pay out of the treasury of said county, to the judge of said superior court of Montgomery county the sum of one thousand dollars annually, in equal quarter yearly payments.

From county.

SEC. 23. The parties to any suit at common law, or in chancery, or to any civil action or other proceedings originally commenced in the court of common pleas of Montgomery county, and now or at any time hereafter pending therein, of which the superior court of Montgomery county would have jurisdiction if originally commenced therein, may, by written consent, signed by themselves or their attorneys, remove the same to said superior court of Montgomery county. The clerk of the court of common pleas, upon the application to remove, shall make out a statement, under seal, of the docket entries in such case, with a statement of his costs, and deliver the same, with all the original papers in the cause, to the parties or their attorneys, taking their receipt for the same; and upon the filing of said papers, with the written agreement to remove, with the clerk of said superior court, he shall forthwith docket the cause, and the same shall be thenceforth considered in said court, and be proceeded in, as if the cause had been originally commenced in that court, having regard to the former proceedings, the agreement to remove, and the costs before accrued, in the final record, as may be right and proper; and when such case is removed

Removal of cases from com. pleas to superior court

from the court of common pleas as aforesaid, the clerk shall enter such removal on his docket, and from thenceforth the said cause shall not be considered in that court.

When judge
has expressed
an opinion.

SEC. 24. If the judge of said superior court shall have expressed an opinion, be interested in the event of any action pending before him, the same shall be removed for trial into the court of common pleas of Montgomery county under an order of said court.

In force.

SEC. 25. This act shall be in force from and after its passage.

N. H. VAN VORHES.

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 29, 1856.

AN ACT

To ascertain the number and other facts respecting deaf and dumb, blind, insane and idiotic persons in the State of Ohio

Assessor to re-
turn names
and descrip-
tion of deaf
and dumb,
blind, insane
and idiotic.

Parents.

Affinity of
blood.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the assessors in the several townships of each county of the state, while performing their duties, shall ascertain and enter upon a schedule prepared for the purpose, the name, in full, of each deaf and dumb, blind, insane and idiotic person in the township, together with the age, sex, color, occupation and place of birth, of said person, and whether educated or not; also, the names, in full, of the parents of said deaf and dumb, blind, insane and idiotic person, their place of birth, occupation, number of children, number of deaf and dumb children, and what affinity of blood, if any, existed between the parents previous to Marriage; and that said papers be returned in due form to the auditor of the proper county, at the time of returning the assessment of property, and by said auditor to the secretary of state, on or before the first day of July 1856. The auditor of state shall furnish to the several county auditors, the necessary blanks or schedules to carry out the provisions of this act.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 29, 1856.

AN ACT

Supplementary to the act making appropriations to pay the indebtedness of the benevolent institutions, and of the new state house, passed March 15, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That nothing in the act to which this is supplementary, shall be construed to prevent the auditor of state from auditing accounts, and paying debts contracted for necessary provisions, stores, or services, to sustain the lunatic asylums at Newburgh and Dayton, or either of them.

Accounts and debts of asylums.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 24, 1856.

AN ACT

To authorize the judges of the court of common pleas of each judicial district to fix permanently the times for holding the courts of common pleas and district court therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judges of the court of common pleas in each and every common pleas district in this state, are hereby authorized, and it shall be their duty to fix permanently the times for holding the courts of common pleas and district court, in each and all of the counties in their respective districts in the manner following:

Judges common pleas may fix times of courts.

Sec. 2. The said judges, or a majority of them, in each common pleas district, on or before the first day of November next ensuing, shall issue their written order to the clerk of the court of common pleas of each and every county in their said district, specifying precisely the commencement of the term of the district court, and of the several terms of the court of common pleas in said county and in all the counties in said district: Provided, That not less than three terms of the common pleas court shall be appointed for any county for which three terms are now by law provided. They shall also immediately thereafter transmit a certified copy of said order to the secretary of state, who shall preserve the same among the files of his office.

Order of judge

Sec. 3. The said judges, when they shall be of opinion that the statutes in force fixing the time of holding any of said courts will best subserve the interests of their respective districts, need not make any changes therein or give any

Statutes in force.

notice of the time of holding said courts, but the same shall be held in pursuance of said statutes as though this act had not been passed.

Entry of order.

SEC. 4. Whenever said order so issued shall have been received by the clerk of the court of common pleas in any county, he shall immediately enter the same upon the journal of the court of common pleas, and also upon the journal of the district court, in his said county, in the same manner as other entries, when required, are made upon said journals during vacations of said court; and said entries shall be full and sufficient evidence as to the legal terms for holding said courts as therein ordered. The said clerk shall, also, cause a copy of said order, certified by him, to be published for four consecutive weeks, in one or more newspapers of general circulation in his said county. The first publication of the same shall be in the first week in the month of December next ensuing the date of said order.

Publication.

SEC. 5. The courts named in this act shall be held for every year, in each judicial district, at the times fixed and ordered by the judges thereof, in accordance with the foregoing provisions, any act or acts to the contrary notwithstanding: Provided, That nothing herein contained shall have reference to or control the holding of courts in the year one thousand eight hundred and fifty-six.

Proviso.

When change made.

SEC. 6. No change or alteration shall be made in the times of holding said courts of common pleas or district court, in any common pleas district, or in any county thereof, after the same have been fixed as aforesaid, unless the judges of said district, or a majority of them, shall be of the opinion that such change or alteration is required by the public interests or convenience, and no such change or alteration shall take effect during the year in which the order therefor shall be issued. Whenever changes or alterations are deemed necessary, as aforesaid, they shall be made in the same manner, and the same requisites shall be observed as are provided for and required in sections three and four of this act, for fixing the times of holding said courts in the first instance: Provided, That no publication of such changes or alterations shall be required in any county or counties not included in the same, unless the judges making such changes or alterations shall so order.

Special terms.

SEC. 7. If, from any cause, there occur a failure to hold the prescribed term of the district court in any county in any common pleas district, it shall be the duty of the judges of said district, to appoint and hold, within the same year, a special term of the district court in said county, at which they may dispose of the business pending. And if, for the want of time, or other good cause, the business of the district court, in any county, can not be disposed of at the regular term thereof, it shall be lawful for the judges of said

court, whenever, in their opinion, the business is of sufficient importance, to appoint and hold a special term of said court in such county. Thirty days previous notice of the holding of said special terms shall be given in the county wherein the same are ordered to be held.

Sec. 8. Whenever the state of business in any court of common pleas is such as to render it necessary, such court shall have power to hold an adjourned term for the purpose of completing the business of the regular term, notice thereof having been first entered upon the journal of said court at the regular term at which said adjourned term shall be appointed. Any judge of said court of common pleas shall have power to appoint and hold a special term of said court, when the same, in his opinion, shall be necessary, in any county in his sub-division; and in such case said judge shall issue his order for such special term to the clerk of the county wherein the same is to be held, at least three weeks prior to the commencement of such term, and the said clerk shall forthwith cause said order, or notice of the holding of such term, to be published in some newspaper in such county, or of general circulation therein.

Adjourned
terms.

Sec. 9. It shall be the duty of the secretary of state to compile, in as brief form as is practicable, the regular times of holding the district court and courts of common pleas in all the counties of the state, as fixed under the provisions of this act; and he shall cause such compilation or statement to be appended to and published with the volume of general laws in every year when the General Assembly shall be in session, and in every year when there is no session of the General Assembly the same shall be published with the annual report of the secretary of state. The said secretary of state shall also publish such statement in two newspapers of the city of Columbus for two weeks, from and after the first Monday of December; and as often as he shall be notified of any changes as hereinbefore provided for, he shall publish the same for a like period immediately after he shall have received such notification.

Secretary of
state shall
compile times
of holding
courts.

His publica-
tion.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

Curwen's R.
S., 2017.

To amend sections 489, 490 and 491, of the act entitled "an act to establish a code of civil procedure," passed March 2, 1853.

Sec. amended.

Transcripts of
judgments
from justice's
docket.

Lien.

Execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 489, 490 and 491, of the act entitled "an act to establish a code of civil procedure," passed March 2, 1853, be so amended as to read as follows: Section 489. In all cases in which a judgment shall be rendered by a justice of the peace, the party in whose favor judgment shall be rendered may, at any time, after ten days from the day of rendering such judgment, if the same shall not be appealed or stayed, file a transcript of such judgment in the office of the clerk of the court of common pleas of the county in which the judgment was rendered, and thereupon the clerk shall on the day on which the same shall be filed enter the case on the execution docket, together with the amount of the judgment and the time of filing the transcript. Section 490. Such judgment, if the transcript shall be filed in term time, shall have a lien on the real estate of the judgment debtor, from the day of the filing; if filed in vacation as against the debtor, it shall have a lien from the day of filing but as against other transcripts filed in vacation, and judgments rendered at the next term of the court of common pleas, it shall have a lien only from the first day of the next term of said court. Section 491. Execution may be issued upon transcripts filed in vacation or during term at any time after the first day of the term, at or before which the same may be filed in the same manner as if the judgments had been taken in court, and the sheriff shall return the same as other executions; and in case of sale of real estate, his proceedings shall be examined and approved by the court as in other cases.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

Curwen's R.
S. 1877.

Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852.

Avenue com-
panies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That avenue companies may be created in any county having at least one hundred thousand inhabitants in

the same manner as is provided for the creation and regulation of railroad companies in the second section of the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May the first, one thousand eight hundred and fifty-two; and when so incorporated, are hereby authorized to construct an avenue, as may be named in their certificate of incorporation, and by the name and style provided in said certificate, shall be deemed a body corporate with succession, and they and their associates shall be clothed with all the powers, subject to all the restrictions and governed and regulated by the same provisions as are provided for the creation and regulation of turnpike and plank road companies, in said act to which this is supplementary, so far as the same are not inconsistent with the provisions of this act.

SEC. 2. That all avenues shall be opened not more than one hundred feet in width, at least sixty feet of which shall be cleared of all obstructions and not less than thirty feet shall be made an artificial road composed of stone, gravel or other suitable materials, well compact together in such manner as to secure a firm, and substantial road, and shall not extend less than five miles in length; provided, that before any avenue company shall be authorized to enter upon and appropriate any lands for the use of such avenue, they shall first obtain the written consent of a majority of the persons owning the lands sought to be appropriated, which said consent shall be entered upon the records of the company.

Avenues.

Right of way.

SEC. 3. That so soon as any such avenue company shall have completed any such avenue as aforesaid, or any part thereof, not less than two miles together in any part of the route, to the acceptance of the county commissioners, as is provided in the thirty-fifth section of the act to which this is supplementary, the said company may, and they are hereby authorized to erect a toll gate thereon for the collection of such tolls as are allowed by law; provided, that not less than five consecutive miles of said avenue shall have been put under contract; provided, also, that so soon as the company shall have completed any such avenue as aforesaid five miles in extent, they shall have power to erect thereon two gates, at such places as in the opinion of the directors may best subserve the interest of the company, for the collection of the tolls authorized by the thirty-sixth section of the act to which this is supplementary.

Tolls and toll gates.

SEC. 4. That where, in the laying out of any such avenue as aforesaid, it shall become necessary to run through or along the line of any incorporated village or special road district, it shall be the duty of the board of directors of the avenue company to obtain the written consent of at least two of the trustees of such incorporated village or special

Right of way through villages.

road district to the laying out of such avenue through or along the territory over which they have supervision or control.

SEC. 5. That if, on application being made to the trustees of an incorporated village or special road district, as contemplated by the fourth section of this act, they shall be of opinion that the public good demands the laying out of such avenue, they are hereby authorized to give their written consent to the laying out and construction of the same, which shall have the force and effect of a full and complete release of all authority over the said avenue within their corporate jurisdiction, and the directors may and they are hereby authorized to lay out and construct said avenue through the territory of such incorporated village or special road district and control the same in all respects as though the said village or special road district did not exist.

N. H. VAN VORHES,

Speaker of the House of Representatives.

WM. LAWRENCE,

President of the Senate, pro tem.

April 3, 1856.

AN ACT

Further defining the duties of coroners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever an inquest is held by the coroner, or by any other officer in his place, it shall be the duty of the jury to retain, as part of their verdict, a description of the person, over whose body the inquest is held, which description shall specify the name, age, sex, residence, place of nativity, color of the eyes, hair, marks, and all other particulars, which may assist in the identification of the person. The jury shall also make an inventory of all articles of property found on or about the person, and describe the same as minutely as can conveniently be done; also of all moneys, specifying the amount and kind and denomination thereof.

Coroner's jury
to retain de-
scription of
person found
dead.

Inventory.

Notice to rela-
tives.

SEC. 2. Immediately after the finding of the jury as mentioned in the preceding section, if the friends or relatives of the deceased be known, the coroner shall give to them notice by letter or otherwise, and if the friends or relatives be unknown, then the coroner shall advertise in one newspaper in the proper county, and whether the notice be by letter or advertisement, the coroner shall state the fact of the death,

the finding of the jury and give a substantial description of the property mentioned in the inventory provided for in section one.

SEC. 3. The inventory and the return provided for in the foregoing section shall be made separately from the verdict of the jury, required to be made in the act defining the duties of sheriffs and coronors, and shall, together with all articles and moneys, described in said inventory, be returned by the coroner, or other officer, to the probate court.

Separate return.

SEC. 4. In case the name of the person, over whose body the inquest has been held, is unknown, the probate court shall make such order for the preservation of the property found on the person, other than money, as may be necessary for the future identification of said person; if the same is known, it shall make such other order as may to it seem best. The money found shall be applied, first: to pay the expenses of saving the body of the deceased, of the inquest and burial; and the remainder, if any, shall be invested, under the order of the probate court in loan, secured by mortgage on unincumbered real estate, double in value to the amount loaned; and such money shall be retained by said probate court in trust for the use of the heirs of the deceased, until further disposition thereof shall be made by law.

Preservation of property found on person.

Money—how applied.

SEC. 5. The provisions of this statute shall not interfere with the rights of any administrator or executor appointed and qualified in due course of law, but such moneys and effects shall be delivered up to said administrator or executor, whether before or after return thereof to the court of probate.

Rights of executor.

SEC. 6. Whenever the prosecuting attorney of any county shall be informed that any person has in his possession money or other property belonging to any person found dead within such county, whether obtained before or after the passage of this act, upon whose estate no letters of administration have been issued, it shall be the duty of such prosecuting attorney to require by notice in writing, such person having such money or other property, to deposit the same in the probate court of the county, and in case such person shall not, within fifteen days, comply with such requisition, it shall be the duty of said prosecuting attorney to bring suit in the common pleas court, in the name of the State of Ohio, for the recovery of said moneys and effects, and the same shall, when recovered, be at the disposition of said probate court, as hereinbefore provided.

Duties of prosecuting attorney.

N. H. VAN VORHES,
Speaker of the House of Representatives.
WILLIAM LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

AN ACT

Curwen's R.
S. 2269.

Supplementary to an act entitled "an act to provide for the division of townships into election precincts."

Petition for
change of
precinct

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this State, upon presentation to them, at any regular session of their board, of a petition signed by a majority of three-fourths of the legal voters of each and every voting precinct of any township therein, which has been divided in pursuance of the provisions of the act to which this is supplementary, praying that such township be re-changed, so as to constitute, as originally, a single voting precinct, or that the lines dividing the same be changed, or altered, upon being satisfied that the prayer of said petition is just and reasonable; and that due notice thereof has been given for thirty days, by posting the same up in three public places in each precinct to be affected by such change, grant the prayer of such petition by an order that such township be changed in accordance therewith.

N. H. VAN VORHES,
Speaker of the House of Representatives.
WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

AN ACT

Curwen's R.
S. 2041.

Supplementary to an act entitled "an act defining the jurisdiction and regulating the practice of probate courts."

Concurrent
jurisdiction of
probate court
with common
pleas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the probate courts in this state, shall, in addition to the jurisdiction conferred upon them by the act entitled "an act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853, also have concurrent jurisdiction with the court of common pleas in all cases where it shall be sought and deemed proper and necessary by any municipal corporation other than a city of the first or second class, to enter upon, take, and appropriate property for making or improving streets and alleys as provided in the act entitled "an act to provide for the organization of cities and incorporated villages," and acts amendatory thereto, and said probate courts shall, in all its proceedings under the jurisdiction hereby conferred, be governed

by the provisions of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, so far as the same may be found applicable to such proceedings.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

AN ACT

To authorize the sale of section sixteen of original surveyed township number eight, range twelve, in the county of Morgan.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section (16) sixteen, in original surveyed township number eight, (8) range twelve, (12) in the county of Morgan, may be sold, and such sale shall be regulated by and conducted according to the provisions of the act entitled "an act to regulate the sale of school lands and the surrender of permanent leases thereto," passed April 16, 1852.

Sale of certain
lands in Mor-
gan county.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

AN ACT

Further to amend "an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," and the several acts supplementary and amendatory thereof.

Ourwen's R.
S., 1763.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the word "*person*," wherever used in this act, shall also be held to apply to and mean "*persons*," and also "*company*" and "*companies*," whether incorporated or not; the word "*he*," shall be held to mean as well "*she*" or "*them*," and the word "*his*" to mean also "*hers*" or "*theirs*," as the sense may indicate, except in cases where one of said words is used in contradistinction from another.

Definitions.
Person.

He.
His.

Meaning of
"bank."

SEC. 2. Every corporation, company, individual, person or association of persons, whether authorized by law to issue notes for circulation or not, that shall keep an office, counting house, or other place for the transaction of business in this state, and shall discount, buy, sell exchange, or otherwise deal in or receive in deposit, money, bills of exchange, notes, bonds, stocks, certificates of public debt, or other evidence of debts, claims or demands, with a view of profit, shall be deemed a bank within the meaning of this act, and for the purpose of carrying out its provisions.

Meaning of
"money."

SEC. 3. The word "*money*," and the word "*moneys*," whenever used in this act, or in the acts to which this is amendatory, shall, for all purposes of assessment and taxation, be held to have the same meaning, and shall be understood to mean and include,

First—Gold and silver coin ;

Second—Gold and silver in bars or other uncoined masses, whether the value be stamped thereon or not ;

Third—Bank notes designed or calculated to circulate as money, in all cases where such gold, silver, or bank notes shall be in actual possession or subject to be brought immediately into possession.

Fourth—Deposits in banks or with persons within this state, subject to be withdrawn by check, draft or otherwise, in money, on demand.

Fifth—Deposits subject to be withdrawn in money at any time within sixty days, in banks within this state, not subject to taxation under the provisions of this act, or with banks, bankers, or other persons not within this state.

Money held
as personal
property.

SEC. 4. Money shall, for every purpose of assessment and taxation hereafter, be held to be personal property—and the term "*personal property*," wherever used in this act, or in the acts to which this is amendatory, shall be held to extend to and include money.

Credits, definition.

SEC. 5. The term "*credits*," wherever used in this act, or in the acts to which this is amendatory, shall be held to mean the excess of the sum of all legal claims and demands, whether for money or other valuable thing, or for labor or service due or to become due to the person liable to pay taxes thereon, including deposits in banks or with persons in or out of this state, other than such as are held to be money as defined by the fifth division of the third section, when added together, (estimating every such claim or demand at its true value in money,) over and above the sum of the legal, bona fide debts owing by such person. But in making up the sum of such debts owing, there shall be taken into account no obligation to any mutual insurance company, nor any unpaid subscription to the capital stock of any joint stock company, nor any subscription for any religious, scientific, literary, or charitable purpose ; nor any acknowledgment of

What obligations shall be excepted.

indebtedness unless founded on some consideration actually received and believed at the time of making such acknowledgment to be a full consideration therefor; nor any acknowledgment of debt made for the purpose of diminishing the amount of credits to be listed for taxation; nor any greater amount or portion of any liability as surety, than the person required to make a statement of such credits believes such surety is in equity bound, and will be compelled to pay, or to contribute, in case there be co-securities.

SEC. 6. No person shall be required to list for taxation any certificate of the capital stock of any company the capital stock and property of which is taxed in the name of said company. Personal property of every description and credits, shall be assessed in the name of the person who was the owner thereof on the day next preceding the second Monday of April in the year in which such assessment shall be made. If any person shall, for the purpose of avoiding the listing or the payment of taxes on any property subject to taxation, sell, give away, or otherwise dispose of any such property under or subject to any agreement expressed or implied, or any understanding with the purchaser, donee or recipient thereof, that the same is to be reconveyed, restored, or redelivered to the person so disposing of such property, he shall forfeit and pay for the use of the county double the amount of tax, chargeable on such property for the current year.

Certificates
of stock.

In whose
name personal
property
assessed.

Penalty for
avoiding tax-
ation.

SEC. 7. Every bank shall, annually, between the first and the second Monday of May, make out, and, on the demand of the assessor, deliver to him a correct statement, attested by the oaths of the president and cashier of such bank, or if there be no president or cashier, then by the oaths of the principal manager and the principal accountant of such bank, setting forth and specifying the mean amount of the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description of and belonging to such bank during the year ending on the first Monday of May in the then current year; which statement the assessor shall deliver to the county auditor with his statements and lists of personal property and credits.

Accounts of
banks.

SEC. 8. Such mean amount shall be ascertained by adding together the sum of the several items specified in the preceding section, the property of such bank, and employed in, or pertaining to its banking business, as they existed on the first Monday of each month, after the close of business on those days, during the year ending on the first Monday of May, or during such part of the year as such bank shall have been doing banking business, if less than the whole year, and dividing the gross amount of such monthly sums by the number of months so added together.

How amount
ascertained.

SEC. 9. Every bank shall, at the time of making out and delivering to the assessor the statement required by the sev-

Second state-
ment.

enth section of this act, also make out and deliver to the assessor a statement verified, as required in said section, setting forth,

Capital.

First—The amount of capital, whether divided into shares or not, actually paid in or secured to be paid by note or otherwise, or in any manner procured or furnished to be employed in its banking business;

Undivided profits.

Second—The amount of undivided profits arising from such business belonging to the bank, whether in its possession or subject to its control, or loaned or otherwise invested for its benefit;

Moneys loaned to bank for fixed time.

Third—The amount of moneys loaned to or deposited with such bank for a term certain, or which, by agreement or understanding between the parties, are not to be withdrawn on demand; which several amounts shall truly represent the condition of the means, property and assets of the bank described in this section, as they shall have existed on the day next preceding the second Monday in April, and shall be added together, and the gross sum so produced, shall be deemed the amount of property employed in banking for the then current year by such bank.

Assessor's return.

SEC. 10. The assessor shall return to the county auditor the statement described in the foregoing section made by any bank in his township or ward, with the statement required of such bank by the seventh section of this act.

County auditor to enter gross amounts according to statements.

SEC. 11. The county auditor shall enter upon his list of taxable property, and on the tax duplicate for the then current year, to be delivered to the county treasurer the gross amount of the notes or bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description, (without deduction) of every bank in his county, agreeably to the statement made by such bank in accordance with the seventh section of this act, and returned to him by the assessor, and shall charge on such gross amount so entered on the tax duplicate such rates of taxes as will produce the same sum as would be produced by charging on the amount of property employed by such bank in banking—as ascertained as provided in the ninth section—the same rates of tax as are charged, for the same year, on the property of individuals in the township, incorporated village or city in which such bank is situated or transacts its banking business.

Rate of taxes.

State bonds and stocks.

SEC. 12. That nothing in this act shall be so construed as to require to be listed for taxation, any investments made in certificates of the public debts of this state, nor shall this act apply to any bank or corporation which, by any of the provisions of the constitution of the United States, can only be taxed according to the terms of its charter, and every such bank or other corporation shall be taxed in accordance with the provisions of its charter.

Banks to be taxed according to their charter.

SEC. 12. The Ohio Life Insurance and Trust Company, by its President and cashier, or assistant cashier, shall, on or before the first Monday of May in each year, make out a statement attested by the oath of said officers, of its moneys loaned, and its dues of every description, in the several counties in which it shall have any such loans, and have any such dues, as they existed on the day next preceding the second Monday of April previous, and transmit the same immediately to the county auditor of such counties respectively, who shall severally enter the same upon their tax lists, and charge the same with the average rate of taxes levied for all purposes on personal property throughout their respective counties, and the said company shall make out and deliver to the assessor for the ward in which its principal office is located, the statement required of other banks by the seventh and ninth sections of this act, in the manner such other banks are required to do, in regard to all its taxable property and credits, not returned to the several counties as hereinbefore described, which property and credits shall be taxed in the same manner as those of other banks.

Ohio Life Insurance and Trust Co.

Its statement.

SEC. 14. Sections ten, fifteen, nineteen, twenty and twenty-two, of the act entitled "an act for the assessment and taxation of all property in this state, and for levying taxes thereon according to its true value in money," passed April 13, 1852, are hereby repealed.

Sections repealed.

SEC. 15. This act shall take effect and be in force from and after the first day of April, 1856.

N. H. VAN VORHES,
Speaker of the House of Representatives.
WM. LAWRENCE,
President of the Senate, pro tem.

April 1, 1856.

AN ACT

To amend an act entitled an act to provide for the sale of the Western Reserve school lands, passed February 17, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of an act entitled an act to provide for the sale of the Western Reserve school lands, passed February 17, 1849, be so amended as to read as follows: **Sec. 7.** The agent shall make returns quarterly to the auditor of state of all the lands sold, prices, terms of sale, and names of purchasers. The agent shall pay to the treasurer of the state quarterly, all moneys received by him on account of such sales, and forthwith deposit the treasurer's

Sec. amended.

Duties and compensation of agent.

receipt with the auditor. The said agent shall be entitled to receive for his services, six per cent. of all moneys by him paid over to the state treasury on account of such sales. For any neglect of his duty in the premises the auditor shall cause suit to be instituted on his bond.

Same.

SEC. 2: The said agent shall be entitled to retain from any moneys that may hereafter come into his hands, from the sale of the lands aforesaid, a sum which, when added to the amount already retained by him, shall equal six per cent. on the whole amount of money already paid by him into the treasury of the state of Ohio.

Sec. repealed.

SEC. 3. That section seven of the act entitled an act to provide for the sale of the Western Reserve school lands, passed February 17, 1849, be, and the same is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS. H. FORD,

President of the Senate.

April 5, 1856.

AN ACT

To authorize incorporated villages to take the enumeration of their inhabitants for the purpose of becoming cities of the second class.

How incorporated villages may become cities of the second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the town council of any incorporated village in this state, whenever they shall deem it expedient, to appoint some suitable person to ascertain the number of inhabitants in such village, in such manner, as they shall direct; and upon the certificate of the clerk or recorder of such incorporated village, that such enumeration has been taken, and that it contains a population exceeding five thousand inhabitants, the governor, auditor of state, and secretary of state, shall proceed to declare such incorporated village a city of the second class, in the same manner as pointed out in an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and acts amendatory and supplementary thereto.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS. H. FORD,

President of the Senate.

April 5, 1856.

AN ACT

To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and the several act amendatory thereof, and supplementary to said acts.

Curwen's R.S.
1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of this act, except as to section thirteen and section fourteen hereof, shall only apply to such cities of the first class as at the last federal census had a population of less than eighty thousand inhabitants, and shall, as to such cities, continue in force until at any future federal census, or at any census which may be taken in pursuance of the first section of the eleventh article of the constitution of this state, they shall be found to contain a population of eighty thousand inhabitants.

To apply to
cities of less
than 80,000
inhabitants.

SEC. 2. In cities of the first class, referred to in the first section of this act, there shall be one city attorney and no city solicitor. The city attorney shall be elected and hold his office as is now provided by law, and shall perform all the duties now pertaining to the offices of city attorney and city solicitor in other cities of the first class: Provided, that any city solicitor now holding office, shall continue in office and discharge the duties pertaining thereto until the expiration thereof, as now provided by law.

City attorney.

SEC. 3. The mayor, by and with the advice of the city council, shall appoint a chief of police, who shall perform all the duties now performed by that officer, and who shall be ex officio, deputy marshal. The mayor shall also, with the advice of the council, appoint such assistants as may be necessary.

Chief of police

SEC. 4. The city clerk shall be appointed by the city council, and shall perform all the duties now pertaining to the offices of city clerk and city auditor: Provided, that any city auditor now in office, shall continue to hold the same, until the expiration of the term thereof, and thereafter the office of city auditor shall be abolished.

City clerk.

Proviso

SEC. 5. The city council shall elect one of the three commissioners provided for in the 69th section of the act of which this is amendatory, as acting commissioner, who shall devote so much of his time to the discharge of the duties specified in said section as may be necessary, and shall receive such compensation for his services as the council shall allow. The other commissioners shall be advisory members, and shall receive for their services such compensation as is or may be allowed to members of the council for their services.

Acting com-
missioner.

Advisory.

SEC. 6. The city council shall also elect one of the infirmary directors as acting director, who shall devote so much of his time to the discharge of the duties of the office as may be necessary, and shall receive such compensation for his services, as the council may allow. The other directors

Acting and
advisory in-
firmary direc-
tors.

shall be advisory directors, and shall receive for their services such compensation as is or may be allowed to members of the council for their services.

Engineer

SEC. 7. The city engineer shall be appointed by the city council, and shall receive for his services such compensation as the council may allow.

Board of revision.

SEC. 8. The mayor shall be the presiding officer of the council, in his absence the president of the council shall preside. The mayor, the president of the council and the city attorney shall constitute a board of revision, which shall meet as often as once in every month, to review the proceedings of the council, and of all other departments of the city government, and report to the council whether any department of the city government, has transcended its powers, whether, any officer has neglected his duties, and also report whether any, and what retrenchments in the expenses of the city, and what improvements in any of the departments of his government can be made: Provided, that during the continuance of his present term of office, the city solicitor shall perform the duties mentioned in this section, instead of the city attorney.

Contracts.

SEC. 9. All services rendered and performed, and all supplies furnished for the city, shall, as far as practicable, be rendered, performed and supplied in pursuance of contracts to be made by the council, or some appropriate officer or department of the city.

Limit to appropriations.

SEC. 10. The city council shall not make appropriations nor contract debts exceeding the amount of taxes and revenue from other sources for the current year. If, in the opinion of the mayor, an expenditure shall be authorized by the council, exceeding the revenues of the city for the current year, it shall be his duty to protest against such expenditure, and enter such protest, and the reasons therefor, on the journal of the council, which shall be published with the other proceedings of the council. The journal of the council shall be kept open at all times for public inspection.

Mayor's protest.

Taxes not to exceed five mills on the dollar.

SEC. 11. The city council shall not in addition to so much as may be necessary to pay the interest on the indebtedness of the city, and so much of the principal as may, from time to time fall due, assess a tax in any one year, exclusive of special taxes for local improvements, exceeding five mills on the dollar of the valuation of the property in such city.

Term of office

SEC. 12. All officers appointed by the city council, unless appointed for a shorter term, shall hold their offices for the term of one year, and until their successors are appointed and qualified.

Report of the clerk.

SEC. 13. The city clerk of each city of the first and second class shall, on or before the first Monday in June, in each year, report, to the auditor of state the aggregate expenses

of such city for the preceding year, under the following heads: schools, police, streets, bridges, fire department, lights, poor, salaries and interest, and also the amount of the general city tax for all the preceding objects and for any others not enumerated, and the special taxes of the city for the same period, and the population of the city; any city clerk who shall neglect to make report as above provided, shall forfeit and pay the sum of one hundred dollars, to be recovered before any court having jurisdiction of the subject matter, in the name and for the use of the city.

Forfeiture for neglect.

SEC. 14. That the fourth section of the act entitled "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, be amended so as to read as follows: Sec. 4. For the purpose of paying the interest on the amount borrowed by any city for the purchase, erection or extension of water works, and after they shall have been put in operation, and for the building of machinery, a tax of sufficient amount may be assessed and collected by the city council in each and every year, in such manner as the city council may deem most equitable and proper, as may be directed by ordinance, upon all the taxable property adjoining, abutting to, or bounded upon any street, lane, alley, public ground, square, block, or premises through which water pipe has been laid, and the said tax, when levied and assessed, shall be a lien upon the property upon which the same is levied, and a charge against the owners thereof, and shall be certified to the auditor of the county, and be placed upon the county duplicate in a separate column thereof, and be collected as other taxes, and the same shall be paid to and be under the control of the trustees of the water works.

Tax for water works purposes.

SEC. 15. This act shall take effect on the first day of April, 1856. Take effect.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

Supplementary to the act entitled "an act to preserve the purity of elections," passed May 20, 1840.

Curwen's R.
S. 767.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons, at any election, held

Unlawfully
obtaining
possession of
ballot box.

by virtue of any law of this state in any ward of any city, or in any township or election precinct, of any county in this state, shall unlawfully, either by force, violence, fraud or other improper means, obtain possession of any ballot box, or any ballot or ballots therein deposited, while the voting at such election is going on, or before the ballots shall have been duly taken out of such ballot box by the judges of election according to law; such person or persons shall be deemed guilty of a misdemeanor and shall upon conviction thereof be imprisoned in the penitentiary of the state and kept at hard labor for a term not more than three nor less than one year at the discretion of the court.

Penalty.

Unlawfully
destroying
ballot box.

SEC. 2. If any person or persons shall unlawfully destroy any ballot box used, any ballot or vote deposited, any poll-book kept at any election held by virtue of any law of this state, such person or persons shall be guilty of a misdemeanor, and shall upon conviction thereof be imprisoned in the penitentiary of the state, and kept at hard labor for a term not less than one nor more than five years at the discretion of the court.

Penalty.

Attempting to
obtain possession of ballot
box.

SEC. 3. That if any person or persons, at any election held by virtue of any law of this state in any ward of any city, or in any township or election precinct of any county in this state, shall unlawfully, either by force, violence, fraud or other improper means, attempt to obtain possession of any ballot box, or any ballot or ballots therein deposited, while the voting at such election is going on, or before the ballots shall all have been duly taken out of such ballot box by the judges of such election according to law; or if any person or persons shall unlawfully attempt to destroy any ballot box used, any ballot or vote deposited, any poll-book, kept at any election, held by virtue of any law of this state, such person or persons shall, upon conviction thereof, be imprisoned in the penitentiary of the state, and kept at hard labor for a term not less than one nor more than three years, at the discretion of the court.

Attempting to
destroy ballot
box.

Punishment.

Prosecutions.

SEC. 4. That all prosecutions under the provisions of this act shall be by indictment of a grand jury before the court of common pleas of the county where the offence has been committed, and shall be conducted in the same manner and be governed by the same rules as in the trial of other offences the punishment of which is imprisonment in the penitentiary.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

Further prescribing the powers and duties of the courts of this State, and the judges thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the supreme or district court shall render a final order, decree or judgment, in any proceeding pending therein, and the same shall be remanded to an inferior court for any purpose, the clerk of such inferior court, when he shall receive such order, decree or judgment, shall immediately enter the same on the journal of such court, and when so entered, it shall have the same force and effect, and the parties shall have the same rights, as if it were entered on the journal at a regular term of such court.

Entry of final orders of a superior court on the journals of inferior court

SEC. 2. The party plaintiff in any case pending in the court of common pleas, the district or supreme court shall, where no counter claim or set off has been filed by the opposite party, have the right in the vacation of any of said courts, to dismiss his said action without prejudice, upon payment of costs; which said dismissal shall be by the clerk of any of said courts, entered upon the journal, and take effect from and after the date thereof.

Dismissal of actions by plaintiff

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

Further to amend and supplementary to an act entitled an act securing the benefits of the writ of habeas corpus.

Curwen's R.
S. 2291.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever application for a writ of habeas corpus, under the act entitled an act securing the benefits of the writ of habeas corpus, passed February 22, 1811, shall be made to any court or judge of any county in this state, the said court or judge, upon being satisfied by affidavit or otherwise, that any officer having in his custody or under his control, any person or persons alleged to be unlawfully deprived of liberty, will refuse or neglect to obey said writ, shall cause the said writ to be directed to the sheriff or coronor of any county, provided that it shall not be directed to any sheriff or coronor who is charged with the alleged unlawful detention; and the said writ shall be framed, directed, executed and returned, and proceedings shall be thereupon

In case that affidavit is made that the officer detaining persons deprived unlawfully of liberty, will refuse to obey the writ of habeas corpus, then the writ to issue to sheriff or coronor.

had, in all respects, as is provided by the act further to amend the habeas corpus act, passed February 8, 1847; and the officer having in his custody the person or persons alleged to be unlawfully deprived of liberty, is hereby required to deliver such person or persons to the officer having the writ of habeas corpus.

Penalty to
sheriff or coro-
ner for refu-
sing to obey
writ.

SEC. 2. *Be it further enacted*, That if any sheriff or coroner, to whom any writ of habeas corpus issued under the provisions of this act shall be directed, shall refuse or neglect to obey and execute the same according to the command thereof, or shall willfully make a false return thereof, such sheriff or coroner shall forfeit and pay the sum of one thousand dollars, which sum may be recovered by the party aggrieved, or by any person suing for the use of said party; but in case of a suit for the use of said party, the court in which the same may be brought, shall make such order for securing to such party the amount recovered as shall seem just and expedient.

Persons set at
large on ha-
beas corpus,
not to be again
imprisoned.

Knowingly
re-committ-
ing

Penalty.

SEC. 3. *Be it further enacted*, That no person who shall be set at large upon any writ of habeas corpus, shall be again imprisoned or restrained of liberty, for the same or substantially the same cause or offence, unless by the legal order or process of a court of competent jurisdiction, or upon a charge of crime or offence under oath or affirmation made, or indictment found, after such discharge. And if any person shall, knowingly and contrary to the provisions of this section, re-commit or imprison or restrain of liberty for the same or substantially the same cause or offence, any person so set at large, or shall knowingly aid or assist therein, such person so offending, shall forfeit to the party aggrieved the sum of five hundred dollars, to be recovered by the said party or any person for the use of said party, as provided in the preceding section, and the person so offending shall moreover be liable to the suit of the party aggrieved for damages.

Further or-
ders of court.

SEC. 4. *Be it further enacted*, That when any person shall be set at large upon any writ of habeas corpus, the court or judge making such order, shall have power to make such further order as may be necessary to secure the due effect of said order of discharge; and the court or judge before which any writ of habeas corpus shall be returned, shall for good cause shown, continue the said cause and shall have power to make such other orders, during the proceedings upon such writ, in respect to the custody of the person imprisoned or restrained, and in other respects, as may be found needful to secure the due effect of the writ.

Sec. repealed.

SEC. 5. *Be it further enacted*, That section six of the act entitled "an act securing the benefits of the writ of habeas corpus," passed February 22, 1811, and section nine of the

act entitled "an act further to amend the act entitled an act securing the benefits of the writ of habeas corpus," passed February 8, 1847, be and the same are hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

To confirm sales made by the trustees of the civil townships of section sixteen, and other lands granted by Congress in lieu thereof, to purchasers.

WHEREAS, In many counties of the State of Ohio, through misapprehension of an act entitled "an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto," passed February 2, 1843, also of an act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852, the trustees of the civil townships have sold section sixteen to various purchasers, who have purchased said lands in good faith, have paid the purchase money and taken possession of said lands, and in many instances made large improvements on the same; therefore, in order to cure the defects in the titles of such purchasers to such lands, and to quiet them in the possession thereof,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That such sales of section sixteen in the original surveyed townships or fractional townships, and all sales of land granted by the Congress of the United States, in lieu of said section sixteen, which have been made otherwise in conformity with the provisions of the acts recited in the foregoing preamble be, and the same are hereby confirmed; and such purchasers and their assignees and heirs at law shall hold the purchases so by them made, by a title as good and valid as though the proceedings for such sale had been instituted by the trustees of the original surveyed or fractional townships.

Sales of Sec.
16 confirmed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

Curwen's R. S. 1835. Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-six of the act to which this is supplementary be so amended as to read as follows: **SECTION 36.** Fines, penalties and forfeitures, which shall not exceed the sum of fifty dollars for any one specified offence, or violation of the by-law, or ordinance, or double that sum for each repetition of such offence, or violation, or which shall not exceed ten dollars for each day where the thing prohibited or rendered unlawful is in its nature continuous in respect to time, shall be deemed reasonable, but where in any by-law or ordinance, a greater fine, penalty or forfeiture, is imposed than as above specified, it shall be lawful in any suit or prosecution for the recovery thereof, to reduce the same to such amount as shall be deemed reasonable and proper, and to permit a recovery or render judgment accordingly. In addition to the fines and penalties above specified, any municipal corporation may provide for a further penalty of imprisonment for any term not exceeding thirty days; and for keeping persons convicted at hard labor during their term of imprisonment, at such place or places as may be determined by the city council; and cities of the second class shall have the same powers for the erection and maintenance of a city prison and watch-houses as are in this act granted to cities of the first class, so far as the same may be applicable.

SEC. 2. That section sixty-seven of the act to which this is supplementary, be so amended as to read as follows: **SECTION 67.** Any member of the city council may be expelled or removed from office by a concurrent vote of two-thirds of all the members of the city council, but not a second time for the same cause; any officers or agents appointed by or under the authority of the city council, may be removed from office at the pleasure of the city council by a concurrent vote of a majority thereof; any officers elected by the votes of the city, or of any ward or district, may be removed from office by a concurrent vote of two-thirds of all the members of the city council; and in case of trustees or elective officers, provisions shall be made by ordinance for preferring charges and trying the same. To enable council fully to investigate charges against the trustees or other officers, or such other matters as they may deem proper, the mayor or police judge, at the request of council, are hereby empowered to issue subpoena and compulsory process, to compel the attendance of persons, and the production of

books and papers before council or any committee of the same. In all cases of vacancies in the city council, they shall be filled by a special election; and in case any office of an elective officer, except trustees of the wards, shall become vacant before the expiration of the regular term thereof, the vacancy shall be filled by the city council until a successor is elected and qualified, and such successor shall be elected for the unexpired term at the first annual city election which occurs after the vacancy shall have happened.

SEC. 3. That section sixty-eight of the act to which this is supplementary, be so amended as to read as follows:

SECTION 68. The city council of cities of the second class shall have power to provide by ordinance for the summoning and empannelling of juries by the mayor of such cities; such juries shall have the qualifications of jurors in the court of common pleas. Jurors and witnessess in all prosecutions before the mayor, for violations of the city ordinances, shall receive the same fees that are allowed by law in civil actions before justices of the peace; the fees of the mayor and marshal, in such cases, shall be provided for by ordinance, all of which fees, in case of conviction, shall be taxed against the parties convicted; and in case of acquittal, shall be taxed against the city, and (except the fees of the mayor and marshal) paid out of the treasury, upon the certificate of the mayor. The mayor of cities of the second class shall have, within the limits of the same, all the jurisdiction and powers of a justice of the peace, in all matters, civil or criminal, arising under the laws of this state, to all intents and purposes whatsoever; and for crimes and offences, his jurisdiction shall be co-extensive with the county; he shall give bond and security, as is required by justices of the peace, to be approved by the city council; he shall have exclusive jurisdiction of all prosecutions for violation of the ordinances of the city, with full power to hear and determine the same, when a jury is not demanded in cases where it may properly be claimed; he may award and issue any writs or process that may be necessary to enforce the administration of right and justice throughout the city, and for the lawful exercise of his jurisdiction, according to the usages and principles of law; he shall, in the discharge of the duties of a justice of the peace, receive the fees and compensation allowed by law in such cases.

Juries in mayor's court of cities of the second class.

MAYOR.

SEC. 4. That the original sections, thirty-six sixty-seven and sixty-eight of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be and the same are hereby repealed. Provided that all rights heretofore acquired under said repealed

Sections repealed.

Proviso.

sections shall not be affected thereby ; and that this act take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 5, 1856.

AN ACT

To provide for the establishment of the Ohio reform school.

Reform school
for discipline
and instruc-
tion of juve-
nile offenders.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be established, as hereinafter provided, an institution for the discipline, correction and reformation of juvenile offenders to be designated, the Ohio reform school, to which may be committed for discipline, correction, and instruction such persons not exceeding twenty years of age, as may be convicted of crimes the punishment whereof is now confinement in the penitentiary, and such other persons as it may be hereafter provided by law thus to commit.

Commission-
ers.

SEC. 2. That there shall be appointed by the governor by and with the advice of the senate, three commissioners whose duty it shall be to make inquiry in regard to a suitable site for the buildings of said reform school to receive propositions in regard to donations of land or money, and to make full report upon the subject at the time specified in section three of this act.

Plans for
buildings.
Examination
of similar in-
stitutions.

SEC. 3. The commissioners shall have power to employ a competent architect, to furnish plans and specifications for the necessary buildings ; and two of them, accompanied if necessary, by the architect, shall visit three of the principal institutions of this kind in the United States, make diligent inquiry in regard to the construction, arrangement and cost of buildings, and the employments, discipline and education of the inmates ; and the commissioners shall report to the general assembly, within ten days from the commencement of the next session thereof, the result of these observations and inquiries, together with such other useful matter as they may think desirable—and in so doing they shall give full and exact information in regard to the cost of buildings for the Ohio reform school.

Report.

Bond.

SEC. 4. Before entering upon the duties of their office, the commissioners shall each give bond to the state of Ohio in the penal sum of five thousand dollars to be approved by

the governor, conditioned for the faithful performance of their duty; and in case of vacancy arising in said board of commissioners, whether from death, resignation or otherwise, the governor shall have power to fill such vacancy by appointment, and the person so appointed shall hold his office until the close of the next succeeding session of the legislature. Vacancy.

SEC. 5. Each of said commissioners shall be allowed three dollars per day for his services while actually employed in the duties of his appointment; and also such traveling and incidental expenses as are authorized by the provisions of this act; and the architect shall be paid only for the time during which he is employed, together with necessary traveling expenses. Compensation

SEC. 6. To meet the expenditures authorized by this act, there shall be paid, on the approval of the governor, out of any moneys in the treasury not otherwise appropriated, a sum not exceeding one thousand dollars. Appropriation

SEC. 7. The commissioners shall make no contract in anticipation of appropriations made for their use by the general assembly, and for any contract so by them made in anticipation of such appropriations, they shall be held responsible in their private capacities to the persons so contracted with. No contracts to be made in advance of appropriations.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS. H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To amend the act entitled "an act to regulate the inspection of tobacco," passed February 8, 1826. Curwen's R.
S. 2348.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "an act to regulate the inspection of tobacco," passed February 8, 1826, be, and the same is hereby so amended as to read as follows: Sec. 1. That so soon as application shall be made by any person or persons to the probate court of any county in this state, and satisfactory evidence being produced to said court that a warehouse is provided at some place for the reception of tobacco, of sufficient dimensions to contain at least one thousand hogsheads or two thousand boxes of tobacco, within said county, well secured against the weather, and that Sec. amended.

License of
warehouse.

there is provided therein a good and sufficient beam, prize, tackles, blocks, weights and scales sufficient to weigh at least two thousand pounds, and proper marking irons and other necessary apparatus, then, and in that case, it shall be the duty of such court, or the judge thereof to issue a license for such warehouse as a public inspection warehouse for the storage, inspection and sale at auction of leaf tobacco, and to appoint one or more suitable persons well skilled in the inspection of leaf tobacco, to act as inspector or inspectors at said warehouse for the term of two years, and until his or their successor or successors shall be appointed and qualified.

Inspectors.

Charges and
inspector's
fees.

Sec. 2. That the fifth section of the act aforesaid, be and the same is hereby so amended as to read as follows: Sec.

5. That there shall be allowed to inspectors of tobacco, appointed by virtue of this act the sum of twenty-five cents for each hogshead, box or case of tobacco inspected, to be paid by the owner or agent delivering the same at the warehouse, and to the proprietor or proprietors of such warehouse two dollars and fifty cents per hogshead and one dollar per box or case for receiving, storing, weighing, marking, selling at public outcry or at private sale, at the request of the owner or consignor, and collecting, one-half of which shall be paid by the owner or consignor and the other half by the purchaser of the tobacco, and no proprietor of a warehouse shall be bound to deliver any tobacco stored with him until such charges and the inspector's fee are paid.

Storage after
three months.

Sec. 3. That section fifteen of the act aforesaid, be, and the same is hereby so amended as to read as follows: Sec.

15. When any hogshead, box or case of tobacco shall have remained in any warehouse, licensed under this act, for a longer period than three months, the proprietor shall be entitled to charge additional storage on the same at the rate of twenty cents per month for each hogshead, box or case, and a lien is hereby created in his favor for such storage, and all other charges on all tobacco delivered at his warehouse.

Receipts for
tobacco.

Sec. 4. That section sixteen of the act aforesaid, be, and the same is hereby so amended as to read as follows: Sec.

16. That proprietors of warehouses licensed under the provisions of this act, shall immediately upon the delivery of every hogshead, box or case of tobacco at any such warehouse, weigh and give a receipt for the same if required by the owner or person bringing the same, which shall be given up on the sale or re-delivery of such tobacco.

License to ex-
tend two
years.

Sec. 5. The license to be issued by the probate court or the judge thereof for tobacco warehouses under the provisions of this act, shall extend to the period of two years, and no more, but may be renewed from time to time, and said license shall include the privilege of selling tobacco in such

warehouses (but not elsewhere) at public auction without the payment of any duty or tax therefor.

Sec. 6. Before granting any license for the establishment of a warehouse under this act, the court shall require the proprietor or proprietors of such warehouse to enter into bond payable to the state of Ohio, in the penal sum of twenty thousand dollars, with at least one sufficient surety, resident in the county, conditioned for the faithful discharge of all duties devolved upon him or them by this act, which shall be filed in the probate court granting the license for the use of any person or persons, who may be agrieved by the non-fulfillment of such duties.

Proprietor's
bond.

Sec. 7. The fees for issuing such license shall be five dollars, and for appointing inspectors and approving of their bonds in each case three dollars.

Fees for issu-
ing license.

Sec. 8. That the original sections one, five, fifteen, and sixteen of the act to which this is amendatory, be, and the same are hereby repealed.

Secs. repealed

N. H. VAN VORHES.

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

April 7, 1856.

AN ACT

To prevent and punish fraudulent transactions in tares and weights and other abuses herein enumerated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person, agent or clerk, who shall put up, or shall order or procure any other person to put up or pack, sugar, rice, tobacco, soap, starch, candles, or any goods or articles sold by weight, and not subject to inspection by law, packed in kegs, barrels, tierces, casks, boxes, hogsheads, or any case whatever, shall, in every instance, first weigh the entire box or cask, or whatever it may be, and plainly cut or mark upon the head or most convenient part thereof, the exact number and fractions of pounds it weighs, and when packed or filled shall again ascertain the whole weight and place the same immediately above the cut or marked tare weights, and subtract the one from the other, showing the net weight of the contents, which calculation shall not be obliterated while the bulk remains unbroken.

Weight of keg
&c. to be
marked.

Net weight to
be marked.

Brands and
stamps.

SEC. 2. Any brand, mark or stamp, put upon any keg, barrel, box, cask, hogshead or case, by the manufacturer, indicating the articles, its quality, quantity or the manufacturer's name, or either of them, shall be considered the manufacturer's certified brand, stamp or mark, and shall be put thereon in such manner as to be identified by the manufacturer or his authorized agent, which shall be subject to no erasure or obliteration; neither shall box lids, keg, barrel, hogsheads, tierce or cask heads, be transferred from one to the other, for the purpose of taking advantage of said brands, stamps or marks, to sell an inferior article, or repacking take place, putting an inferior article into a superior branded keg, barrel, cask, hogshead, box or case, to accomplish the same design; or to mark or re-mark, any thing containing pound bulk, so as to hide from view the original manufacturer's mark, stamp or brand.

Penalty for
erasing, trans-
ferring or con-
cealing stamp
or brand.

SEC. 3. Any person, directly or indirectly, transgressing any of the provisions herein enumerated, shall, on conviction thereof, in all cases pay to the party aggrieved double the value of the difference between the actual quantity contained in such keg, barrel, cask, tierce, box, hogshead, or in whatever the same may be contained, and the net quantity or weight for which the same may have been sold, and for the first offence, be subject to a fine not less than twenty nor more than sixty dollars, or imprisonment in the county jail not less than thirty, nor more than sixty days; and for the second offence he shall be subject to a fine not less than fifty nor more than two hundred dollars, or imprisonment in the county jail not less than thirty or more than ninety days, or both, at the discretion of the court; and for the third offence he shall be subject to a fine not less than two hundred nor more than five hundred dollars, or imprisonment in the county jail not less than ninety days nor more than six months. The offending parties, in every instance, to pay all expenses, prosecutions, and costs of court; also all damages whatever sustained by the aggrieved parties, who shall prosecute for the same.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To regulate the admission of attorneys at law in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the district court in any county where there is located a law college, duly incorporated under the laws of this state, on application in writing, signed by some member of the faculty of said college, to appoint a committee of not less than three nor more than seven attorneys at law, whose duty it shall be to attend the commencement exercise of said college, next after said appointment, and examine such student or students of said college as may present themselves for examination, in reference to their qualifications to practice law, and to give such student or students as shall, in the opinion of a majority of said committee, be so qualified, a certificate of such qualification.

Com. attend
examinations
of law colleges.

Their certificate

SEC. 2. Any persons who is a citizens of the United States, and shall have resided within this state one year next preceding his application for admission to the bar, and of the age of twenty-one years, on presentation of such certificate as is mentioned in the preceding section, to the supreme court or any district court in this state, shall, on receiving the oath prescribed by law, be admitted to practice law in all the courts of this state, without further examination.

Admission
thereon.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 7, 1856.

AN ACT

To amend section two of an act entitled "an act to amend the several acts now in force in relation to the sale of lands forfeited to the state for the non-payment of taxes," passed March 12, 1845.

Ourwen's R.
S. 1179.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section number two of an act entitled "an act to amend the several acts now in force in relation to the sale of lands forfeited to the state for the non-payment of taxes," passed March 12, 1845, be so amended as to read as follows: Section 2. That if any tract or parcel of land shall not sell at such public sale for an amount sufficient to pay the taxes, interest and penalty which stand against such tract, the auditor shall return the same as unsold, to be retained upon

Sec. amended.

Lands not
sold.

Proviso.

the list of forfeited lands, to be offered for sale the next succeeding year as other forfeited lands; Provided, that if any such tract or parcel of land may have heretofore been or may hereafter be offered for sale two succeeding years, as above provided, and shall still remain unsold, the county commissioners of the county in which such tract or parcel of land is situate, may at their regular annual session in June of each year, if in their opinions such tract or parcel of land is of less value than the amount of taxes, interest and penalty due upon it, order the auditor of the county to offer such tract or parcel of land for sale at the next regular sale of forfeited lands, and to sell the same to the highest and best bidder therefor, irrespective of the amount of taxes, interest and penalty due upon it, and such sale shall convey the title to the said tract or parcel of land divested of all liability for any arrearages of taxes, interest or penalty, which may remain after applying the amount for which it was sold thereon.

Sec. repealed.

Sec. 2. That section two of an act to amend the several acts now in force, in relation to the sale of lands forfeited to the state for the non-payment of taxes, passed March 12, 1845, be, and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

Relief of poor. To amend the second section of an amendatory act, passed May 1, 1854, of an act entitled "an act for the relief of the poor," passed March 14, 1853.

Sec. amended.

Township to
afford relief.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be amended so as to read as follows: That the trustees of each township within this state, shall afford relief or support to any person or persons within their township and not having a legal settlement within the same, when such relief or support is needed: Provided, that whenever the trustees of any township shall be called upon to afford relief from the township treasury in any county having a county infirmary, to any person or persons who have no legal settlement in this state, or whose place of residence is unknown, it shall be the duty of the trustees to make out an order to the directors of such county infirmary, to receive and provide for

such person or persons, so long as the said trustees may direct: Provided, that if in any such case it should be found inexpedient or impracticable for said trustees to remove any such person or persons to said county infirmary, or if there be no county infirmary in the county in which such township is situate, then and in either case said trustees shall keep an accurate account of all moneys so expended, and certify such account with the vouchers for the same to the county commissioners of the county, who shall cause the amount so paid to be paid to the township out of the county treasury; and shall not be required to remove such person or persons to any county infirmary: Provided, further, that such trustees may remove any person or persons becoming a charge upon any such township, and who have no legal settlement in this state, to the state where such person or persons have a legal settlement; unless such person or persons shall give sufficient security to indemnify such township

SEC. 2. That section 2 of said amendatory act is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To provide for the registration of births, marriages and deaths, in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of all clergymen, or other persons, who shall hereafter celebrate or perform the marriage ceremony within this state, to keep a registry of all marriages celebrated by them, showing the names, ages, residence and place of birth of the persons married, whether they were single or widowed, the time of the marriage, and the names of their parents.

Registry of
marriages.

SEC. 2. It shall be the duty of all physicians, surgeons and midwives, to keep a registry of all the births and deaths at which they have professionally attended, showing, in cases of birth, the name of the father and maiden name of the mother, and their residence, the sex and color of the child, together with its name, if it shall receive one, and whether born alive or dead. Such registry shall show, in cases of death—the time, place and cause of death; the

Registry of
births and
deaths.

name, age, sex, color and condition (as to whether single or married, or widowed,) the name and surname of the parents, the occupation, the residence and place of birth of the deceased. When two or more physicians, surgeons or midwives, may have attended professionally at any birth or death, that physician, surgeon or midwife who is oldest in attendance, shall make the registry.

Copies of registers to be deposited in clerk's office.

Sec. 3. It shall be the duty of the physicians, clergymen, surgeons and midwives above named, to deposit in the county clerk's office, of the various counties in which such births, marriages and deaths occur, on or before the fifteenth day of March, in every year, a copy of said registry, embracing the period of one year, ending on the first day of March, last preceding the time of deposit; and the clerk shall deliver the same to the assessor of the several townships in each county, at the same time that the auditor of the county delivers instructions and blanks to such assessor.

Assessor's lists of births, marriages and deaths.

Sec. 4. It shall be the duty of the assessors, while making their lists of taxable property, to ascertain and record in a list separate from the list of taxable property, all the births, marriages and deaths, which shall have occurred within their respective townships, in the twelve months, ending on the first day of March, last preceding the time of assessment, with all the items of time, place, &c., hereinbefore directed, to be inserted in the registries, as provided in sections one and two of this act. They shall make strict inquiry of all heads of families, and shall use the registries of clergymen, physicians, surgeons and midwives, hereinbefore named, in order to obtain correctly the information herein required. They shall return said lists of births, marriages and deaths, with the registries aforesaid, to the clerks of the courts of common pleas, at the same time that they return their lists of taxable property. The clerks shall copy said lists in such form as the secretary of state may direct, and transmit such copy to the secretary of state, on or before the first day of June in each year. The clerks shall receive for their services such compensation as the county commissioners shall think just.

Tabular statements of Secretary of State.

Sec. 5. It shall be the duty of the secretary of state, from all the lists of births, marriages and deaths so transmitted to him, to prepare tabular statements, showing in a condensed form, the information herein required to be preserved—keeping the statistics of each county separate, and to cause two thousand copies of the same to be printed in pamphlet form, on or before the first day of January in every year, of which copies, ten shall be transmitted to the clerk of each county for exchange and distribution, at his discretion, and the residue shall be disposed of as the general assembly shall from time to time direct. The county

clerk, in each and every county, shall preserve carefully, one copy in his office. The secretary of state shall prepare and cause to be printed, suitable blanks and instructions for the use of assessors, clergymen, physicians, surgeons and midwives, which he shall transmit to the several county auditors, to be by them delivered to the assessors.

Sec. 6. To enable the assessors to obtain full and correct information touching the facts herein required to be ascertained, they shall have full power to swear and interrogate any person, in their respective townships, for this purpose ; and it shall be the duty of all such persons, when thereto required by the assessor, with or without oath, to give him truly and fully, all the information which he or she may possess, touching any of said facts.

Assessors
may adminis-
ter oaths.

Sec. 7. The several county clerks shall forever carefully preserve the lists of births, marriages and deaths aforesaid, and the registries of clergymen, &c., herein required to be returned to them, for the use of the public, and which shall always be open to public inspection.

Lists to be
preserved.

Sec. 8. The said lists of births, marriages and deaths, returned to the clerks of the county courts, by the assessors, as also the original tabular record herein required to be made by the clerk aforesaid, or a duly certified copy of any birth, marriage or death, from either of them, given and certified by the said clerks, shall hereafter be admitted and received in all courts in this state, as prima facie evidence of any such birth, marriage or death, therein recorded or so certified.

Lists to be
evidence.

Sec. 9. Any person failing, or refusing to discharge and perform any of the acts or duties herein imposed and required to be done, shall, for every such failure, be fined in a sum not less than five nor more than twenty dollars, to be recovered by action before any tribunal having jurisdiction thereof, or by indictment in the court of common pleas, for the use of schools, in the township in which the offence is committed.

Penalty.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To regulate insurance companies not incorporated by the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That it shall not be lawful for any agent or agents*

Foreign insurance companies to obtain certificate from Auditor of State.

of any insurance company incorporated by any other state than the state of Ohio, directly or indirectly, to take risks, or transact any business of insurance in this state, without such company has first obtained a certificate of authority from the auditor of state; and before obtaining such certificate, such insurance company shall furnish the said auditor with a statement, under the oath of the president or secretary of the company, which statement shall show,

Statement.

First—The name and locality of the company;

Second—The amount of its capital stock;

Third—The amount of its capital stock paid up;

Fourth—The assets of the company, including—1st, the amount of cash on hand and in the hands of agents or other persons; 2d, the real estate unincumbered; 3d, the bonds owned by the company, and how they are secured, with the rate of interest thereon; 4th, debts to the company, secured by mortgages; 5th, debts otherwise secured; 6th, debts for premiums; 7th, all other securities.

Fifth—The amount of liabilities due or not due to banks or other creditors, by the company;

Sixth—Losses adjusted and due;

Seventh—Losses adjusted and not due;

Eighth—Losses unadjusted;

Ninth—Losses in suspense waiting for further proof;

Tenth—All other claims against the company;

Eleventh—The greatest amount be insured in any one risk;

Twelfth—The greatest amount allowed by the rules to be insured in any one city, town or village;

Thirteenth—The greatest amount allowed to be insured in any one block;

Fourteenth—The amount of its capital or earnings deposited, or required to be deposited in any other state or states, as security for losses therein, naming them, with the amount required in each, and whether such company has complied with such requirements, or takes risks, or transacts any business of insurance in such state or states;

Fifteenth—The act of corporation of such company, which statement shall be filed in the office of said auditor, together with a written instrument duly signed and sealed, authorizing any agent or agents of such company in this state to acknowledge service of process for, and in behalf of such company, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to as valid as if served upon the company according to the laws of this or any other state, and waiving all claim or right of error, by reason of such acknowledgment or service; and no insurance company, or agent or agents of any insurance company incorporated by any other state, shall transact any business of insurance in this state, unless such company

is possessed of at least one hundred thousand dollars in value of actual capital, invested in stocks or in bonds, or mortgages of real estate worth double the amount for which the same is mortgaged; and upon the filing of the aforesaid statement and instrument with the auditor of state, and furnishing him with satisfactory evidence of such investment, as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to transact business of insurance to said company for its agent or agents.

SEC. 2. It shall be unlawful for any unincorporated company or association, partnership, firm or individual, or any member or agent or agents thereof; or for any agent or agents of any company incorporated by any foreign government other than a state of this union to transact any business of insurance in this state, without procuring a certificate of authority from the auditor of state, such company, association, partnership, firm or individual, or any agent or agents thereof, having first filed under oath, in the office of said auditor, a statement setting forth the charter, or act of incorporation of any and every such incorporated company, and the by-laws, co-partnership agreements, articles of association of any and every such unincorporated company, association, partnership or firm, and the name and residence of such individual, and the names and residences of the members of every such partnership or firm, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnished evidence to the satisfaction of the auditor of state, that such company has invested in stocks of some one or more of the states of this union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States, or in bonds or mortgages of real estate situate in the United States fully securing the amount for which the same is mortgaged, or bonds of cities of the United States, the aggregate market value of the investment of the company, in which, shall not be less than one hundred thousand dollars; and such incorporated company, or unincorporated company, association, partnership, firm or individual, or any agent or agents thereof, filing said statement and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual, in like manner as is provided for in the first section of this act.

Certificate
and statement
of companies
out of United
States.

SEC. 3. If any such insurance company, association, partnership, firm or individual, as aforesaid, or their agent or agents having filed its, or their, statements and evidences of investment aforesaid, and conformed to the foregoing requirements; shall have on deposit in any other state or territory, or elsewhere than in this state any portion of its capital or earnings as a guarantee fund for the exclusive

Guarantee
fund.

benefit or security of persons insured in such state, territory or other place, it shall be the duty of the auditor of state to withhold from such body or individual, so alienating any such portion of their capital and resources, the certificate and authority hereinbefore provided for, until such body or individual shall file with the auditor of state, a statement duly verified by the oath or affirmation of the president or secretary of such incorporated company, or member of such unincorporated company, association, partnership or firm, or by such individual, showing the amount of premiums received in this state by such company, during the year ending on the first of January next preceding the filing of said statement, and shall deposit in this state in such manner as the auditor of state shall direct; five per cent. of the amount so received in money, or solvent state or United States stocks of at least par value—or mortgages on real estate situate in this state of at least double the value for which the same is mortgaged—which statements and deposits shall be so made, from year to year, at the time of each renewal or original grant of authority by said auditor, until the sum of forty thousand dollars is deposited as aforesaid—which said sum, and every yearly part thereof deposited as aforesaid, shall be held under the control of such auditor of state as a guarantee fund for the benefit of such persons as may be in any manner insured in their property by such company within this state; and same or any part of the sum so deposited, shall not be drawn out by the depositors until all claims for losses or premiums on risks unexpired shall be fully paid and discharged, or until all deposits made in other states, territories or other places, not within this state, shall be withdrawn; and in case of the insolvency of any such company, the sums so deposited as aforesaid, shall be applied by the auditor of state pro tanto, toward the payment of all claims, against such body or individual, filed in his office, duly liquidated and authenticated, and to losses and premiums on risks unpaid, on policies issued within six months after such insolvency may occur; any such body or individual, shall be deemed insolvent upon failure to pay any undisputed loss insured against within this state for the space of ninety days after the amount of such loss shall have been agreed upon, or for the space of ninety days after final judgment, for the amount of any loss so insured against, when no appeal shall have been taken from such judgment by either party, or other proceeding begun to vacate, modify, reverse or review such judgment, or to arrest the same, or to obtain a new trial; such body or individual shall be entitled to receive the interest or dividends on such stocks so deposited, from time to time, as the same may become due. This section shall not apply to any of the aforesaid bodies or individuals, who

have made no such deposits, as in this section mentioned elsewhere than in this state.

SEC. 4. It shall be the duty of every such insurance company or some agent or agents thereof, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the court of common pleas, of the county in which it, he or they, may desire to establish an agency for any such insurance company or individual, or to transact any business of insurance therein, a copy of the statement required to be filed with the auditor of state as aforesaid, together with the certified copy of the certificate of said auditor, which shall be carefully preserved for public inspection by said clerk, and also cause said statement and certificate to be published in some daily newspaper printed and of general circulation in said county for one week or in some weekly newspaper printed and of like circulation as aforesaid, three consecutive weeks; or it shall be lawful for each of such aforesaid bodies, whether incorporated or not, or individuals, to cause such statement and certificate to be published in some daily newspaper of general circulation in this state, printed in the cities of Columbus, Cincinnati, or Cleveland, one week, or in some weekly newspaper of general circulation in this state, printed in any of the aforesaid cities, three consecutive weeks, which publication shall be verified by the oath of the printer or other persons knowing the fact; and such body or individual shall, before it, he or they, or any agent or agents thereof shall take any risks or transact any business of insurance, furnish such agent or agents with three copies of such statement, auditor's certificate, and affidavit of publication—one of which shall be deposited and kept in the office of the proper clerk of the court of common pleas in the same manner, and for the same purpose as hereinbefore mentioned—one of which shall be kept in the office of every such agent or other person, and one to be submitted to any person or persons for examination who may desire to procure from such agent or agents or other person, a policy of insurance or renewal thereof, if demanded by him or them.

Copies of statement and auditor's certificate to be filed in county clerk's office.

Publication

SEC. 5. The statement and evidences of investment required by this act, shall be renewed annually, in the month of January in each year, the first statement may be made at any time the auditor of state, on being satisfied that the capital, securities and investments remain secure as at first, shall furnish a renewal of certificate as aforesaid; the certified copy of which, with the certified copy of the statement upon which the same was obtained, shall be filed, kept, and published in the same manner, and be governed in all respects by the provisions of section four of this act. Provided: that all certificates of authority or renewal granted to any such insurance company or agent or agents thereof in

Annual renewal.

the month of January, A. D. 1856, in accordance with the act hereinafter repealed, shall be in full force and effect until January, A. D. 1857, the same as if issued in the month of July next.

Who is an agent.

SEC. 6. Any person or firm in this state who shall receive or receipt for any money on account of or for any contract of insurance made by him or them, or for any such insurance company or individual aforesaid, or who shall receive or receipt for money from other persons, to be transmitted to any such company or individual aforesaid, for a policy or policies of insurance, or any renewals thereof, although such policy or policies of insurance may not be signed by him or them, as agent or agents of such company, or who shall in any wise directly or indirectly, make or cause to be made any contract or contracts of insurance for or on account of such insurance company aforesaid, shall be deemed, to all intents and purposes, an agent or agents of such company, and shall be subject and liable to all the provisions, regulations and penalties of this act.

Certified copies of papers to be received as evidence.

SEC. 7. That copies of all papers required by this act to be deposited in the office of the auditor of state, certified under the hand of such auditor, or clerk of any court of record, or probate judge of this state, with the seal of such court affixed thereto; or any notary public under his proper seal, and any copy of any affidavit of publication in any newspaper by this act made necessary, duly certified by the clerk of the any court of record or probate judge in this state, authenticated by the seal of such court; or by any notary public witnessed by his proper seal, shall be received as evidence in all courts and places, in the same manner, and have the same force and effect as the original would have if produced.

Not to apply to life insurance companies.

SEC. 8. This act shall not be so construed as in any manner to apply to life insurance companies, but shall include within its provisions only the "fire" and "fire and marine" departments of any company, that may have separate departments for "life insurance" and "fire" and "fire and marine" insurance.

Penalty for violation.

SEC. 9. Any person violating the provisions of this act within this state, shall upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisonment in the county jail not more than thirty days, or both, at the discretion of the court. Violations of the provisions of this act shall be prosecuted in the same manner as may be provided by law for the punishment of offences of like grade.

Act repealed.

SEC. 10. The act entitled "an act to regulate the agencies of insurance companies, not incorporated by the state of

Ohio," passed May 1, 1854, be, and the same is hereby repealed. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOS. H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To provide for the uniform government and better regulation of the Lunatic Asylums of the State and the care of Idiots and the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the three lunatic asylums located in Newburgh, Columbus and Dayton, shall hereafter be known as, and respectively be called, the Northern Ohio Lunatic Asylum, the Central Ohio Lunatic Asylum, and the Southern Ohio Lunatic Asylum. The said institutions shall be placed under the charge of separate boards of trustees, to be appointed under this act.

Lunatic Asylums.

Sec. 2. The following counties shall compose the northern district, which shall be attached to the northern asylum, to wit: Williams, Fulton, Seneca, Wood, Ottawa, Sandusky, Lucas, Erie, Huron, Lorain, Medina, Wayne, Cuyahoga, Summit, Stark, Lake, Geauga, Portage, Ashtabula, Trumbull, Mahoning and Columbiana.

Northern district.

The following counties shall compose the central district and be attached to the central asylum, to wit: Defiance, Paulding, Van Wert, Mercer, Shelby, Auglaize, Allen, Putnam, Henry, Hancock, Hardin, Logan, Champaign, Highland, Fayette, Madison, Union, Marion, Wyandot, Crawford, Morrow, Delaware, Franklin, Pickaway, Ross, Pike, Jackson, Vinton, Hocking, Fairfield, Lawrence, Licking, Knox, Richland, Ashland, Holmes, Coshocton, Muskingum, Perry, Morgan, Athens, Meigs, Gallia, Washington, Noble, Guernsey, Tuscarawas, Carroll, Harrison, Jefferson, Belmont and Monroe.

Central district.

The following counties shall compose the southern district, and be attached to the southern asylum, to wit: Scioto, Adams, Brown, Clermont, Clinton, Greene, Clark, Warren, Montgomery, Miami, Hamilton, Butler, Preble and Darke.

Southern district.

If, at any time, either of said asylums cannot accommodate the patients of the district to which it is attached, said patients may be transferred to the asylum of either of the other

Transfer of patients.

districts, which may, at the time, have room for said patients. Said transfer to be made with the consent of the resident trustees of the two asylums.

Boards of trustees.

SEC. 3. That each board of trustees shall consist of six persons. Two of the northern board shall reside in the township of Newburgh; two of the central board shall reside in the city of Columbus, and two of the southern board shall reside in the city of Dayton, and the others within the districts attached to the respective asylums. The said boards shall be appointed within thirty days after the passage of this act. The two first named shall serve for two years, the second two named shall serve for four years, and the third two named shall serve for six years, and as their terms shall expire, their successors shall be appointed for the term of six years. All vacancies occurring by death or otherwise, shall be filled by appointment of the Governor, until the meeting of the General Assembly, and until their successors are appointed and qualified.

Appointment, terms of office, and vacancies.

Oath.

SEC. 4. The trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state, and also faithfully to discharge the duties required of them by the provisions of this act, which duties they shall perform gratuitously, provided, they shall have their necessary expenses paid during the time they are actually engaged in the discharge of their official duties, such payment to be made out of the state treasury upon a warrant of the auditor of state. They shall meet within thirty days after their appointment, at their respective institutions, and elect a president, who shall preside at their meetings.

Resident officers.

SEC. 5. The boards of trustees shall appoint a medical superintendent for each of the asylums, and on the nomination of said superintendent, a steward and matron, and such assistant physicians as may be necessary, who shall be styled the resident officers of the institutions; said trustees shall fix all salaries not otherwise determined by law. They shall also, in connection with the superintendent, prescribe rules, regulations and by-laws, for the government of their respective institutions. Provided, that the northern and southern asylums shall have but one assistant physician each.

Visitations.

SEC. 6. It shall be the duty of one or more of each board of trustees to visit their respective institutions monthly, and all, or a majority of them quarterly, and, at said monthly visits they shall, with the superintendent, examine the accounts of the steward, and certify their approval or otherwise, on the page with his monthly balances.

Record, and reports.

SEC. 7. The boards of trustees shall make a record of their proceedings, at all meetings, in a book to be kept for the purpose, and at their annual meeting shall make a report to the governor of the condition and wants of the asylums, which

shall be accompanied by full and accurate reports of the superintendents, and a detailed account of all the moneys received and disbursed by the stewards.

SEC. 8. The boards of trustees shall hold their annual meetings on the first Tuesday of November in each year, at their respective institutions. Special meetings for the appointment of resident officers, or for the transaction of general business, shall be held upon the written request of the president or two members of the board, of which ten days notice shall be given to each member in writing, by the president, stating the object for which the meeting is called.

Annual and special meetings.

SEC. 9. The said boards of trustees may, at pleasure, remove any of the resident officers of their respective institutions, except the superintendent, and they may remove the superintendent also, for incompetency, gross neglect, or refusal to discharge the duties devolving upon them, or for any misconduct which might render it improper for him longer to continue at the head of the institution, and may direct the discharge of a patient when they shall deem it expedient.

Power of removal.

SEC. 10. No trustee or any officer of the institution shall hereafter be, either directly or indirectly, interested in the purchase of building material, or any article of furniture or supply, for the use of any of the said asylums.

Interest of officers & trustees.

SEC. 11. No member of any board of trustees shall hereafter be eligible to the office of superintendent of any of said asylums, during the term for which he was appointed, nor within one year after his term shall have expired.

Trustees not eligible to superintendency.

SEC. 12. The superintendent of each of said institutions shall be a physician of acknowledged skill and ability in his profession. He shall be the chief executive officer of the asylum, and shall hold his office for the term of six years, unless sooner removed by the board of trustees, as provided for in the ninth section of this act. Before entering upon the duties of his office, he shall take and subscribe an oath or affirmation, faithfully and diligently to discharge the duties required of him by law. He shall have the entire control of the medical, moral and dietetic treatment of the patients, and shall see that the several officers of the institutions faithfully and diligently discharge their respective duties. He shall employ attendants, nurses, servants and such other persons as he may deem necessary, for the efficient and economical administration of the government of the asylum, assign them their respective places and duties, and may at any time discharge any of them from service.

Superintendent.

SEC. 13. The assistant physicians shall be medical men of such character and qualifications as to be able to perform the ordinary duties of the superintendents during their absence.

Assistant physicians.

SEC. 14. The steward, under the direction of the superintendents, and not otherwise, shall make all purchases for the

Steward.

asylum, where they can be made on the best terms, keep the accounts, make engagements with, pay and discharge those employed in and about the asylums, have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him.

His bond.

SEC. 15. The steward shall execute a bond, with two sufficient sureties, to be approved by the trustees, in the penal sum of two thousand dollars, conditioned that he will faithfully perform the duties of his office, and pay over and account for all money that shall come into his hand belonging to the state of Ohio.

Matron.

SEC. 16. The matron, under the direction of the superintendent, and not otherwise, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and restoration of the patients.

Trustees may hold lands & personal property for use of asylum.

SEC. 17. The trustees of each asylum and their successors in office, shall have the power to receive and hold in trust, for the use and benefit of the asylum, any grant or devise of land, or any donation or bequest of money, or personal property to be applied to the maintenance and support of insane persons, or to the general use of the asylum.

Current expenses.

SEC. 18. The treasurer of state may, from time to time, advance to the steward, on his own order, approved or endorsed by the superintendent and two of the trustees, on a warrant from the auditor of state, a sum not exceeding one thousand dollars, to meet current expenses. The steward shall keep an accurate account, in detail, in a proper book, always open to the inspection of the superintendent and trustees, of all expenses paid out of the sums so advanced by the treasurer; and shall settle the same with the superintendent and trustees monthly, or oftener if required, and shall account for the whole sum of one thousand dollars before another order is approved.

Patients.

SEC. 19. Each county shall be entitled to send patients to the asylum of the district in which the county is situated, in proportion to the number of insane persons in the county. No person who has been or may hereafter be returned from either asylum as incurable, or who has been insane more than two years last past, shall be admitted into either asylum, except when the asylums are not filled to their capacity with other patients. No idiot shall be admitted into any asylum, and no lunatic under the age of seven years, shall be admitted. No person shall be admitted into either of the asylums belonging to the state except he be a citizen of Ohio, and an inhabitant of the district in which the asylum admitting him is located, and no person shall be considered an inhabitant within the meaning of this act, who has not resided within this state one year next preceding the date of his or her application, and no person shall be entitled to the benefit of the

Who shall not be admitted.

provisions of this act, except persons whose insanity or lunacy has occurred during the time such person shall have resided in this state. All persons who have been or may hereafter be admitted into either of the asylums belonging to the state, shall be maintained therein at the expense of the state.

Expense of
the State.

SEC. 20. For the admission of patients into the several asylums, the following proceedings shall be had, viz: Some resident citizen of the proper county shall file with the probate judge of such county an affidavit, which shall be substantially as follows:

Proceedings
for admission
of patients.

The State of Ohio, ——— county, ss:
———, the undersigned, a citizen of ——— county, Ohio, being sworn, says that he believes ——— is insane. His insanity is of less than two years duration, (or his being at large is dangerous to the community.) He has a legal settlement in ——— township, in this county. Dated this ——— day of ———, A. D. ———.

A. B.

SEC. 21. When the affidavit aforesaid shall be filed, the probate judge shall forthwith issue his warrant to some suitable person, commanding him to bring the person alleged to be insane before him, on a day in such warrant named, which shall not be more than five days after the affidavit shall have been filed, and shall immediately issue subpoenas for such witnesses as he shall deem necessary, (one of whom shall be a respectable physician,) commanding the persons in such subpoenas named, to appear before said judge on the return day of the warrant; and if any person shall dispute the insanity of the party charged, the probate judge shall issue subpoenas for such person or persons as shall be demanded on behalf of the person alleged to be insane.

Warrant of
probate judge.

SEC. 22. At the time appointed, (unless for good cause the investigation shall be adjourned,) the judge shall proceed to examine the witnesses in attendance, and if, upon the hearing of the testimony, such judge shall be satisfied that the person so charged is insane, he shall cause a certificate to be made out by the medical witness in attendance, which shall set forth the following: First, that the patient is free from any infectious disease and vermin. Second, the age of the patient, and a concise history of the case. Third, the duration of the disease, dating from the first symptom. Fourth, the supposed cause of the disease, whether it is hereditary. Fifth, whether the patient has been subject to epilepsy. Sixth, whether the patient has made any attempt to commit violence on himself or others. Seventh, the medical treatment pursued in the case, as near as the same can be ascertained, to which the witness shall add any other information or circumstance known to him, which may tend to throw light upon the subject.

Examination
of witnesses.

Certificate of
medical wit-
ness.

Application to
superinten-
dent

SEC. 23. The probate judge, upon receiving the certificate of the medical witness, made out according to the provisions of the twenty-second section of this act, shall forthwith apply to the superintendent of the asylum situated in the district in which such patient shall reside. He shall, at the same time, transmit copies, under his official seal, of the certificate of the medical witness, and of his finding in the case. Upon receiving the application and said certificate, the superintendent shall immediately advise the probate judge whether the patient can be received, and if so, at what time. The probate judge, when advised that the patient will be received, shall forthwith issue his warrant to the sheriff, or any other suitable person, commanding him to forthwith take charge of, and convey such insane person to the asylum. If the probate judge shall be satisfied from proof that an assistant is necessary, he may appoint one person as such assistant. The warrant of the probate judge shall be substantially as follows:

Warrant.

The State of Ohio, _____ county, ss:
Office of the Probate Judge of said county, to _____
_____. All the proceedings prescribed by law to entitle _____ to be admitted into the lunatic asylum having been had, you are commanded forthwith to take charge of and convey said _____ to the asylum at _____, and you are authorized to take _____ as assistant. After executing this warrant, you shall make due return thereof to this office.

Witness my hand and official seal, this _____ day of _____, A. D. _____. _____, Probate Judge.

Upon receiving such patient, the superintendent shall endorse upon said warrant a receipt substantially as follows:

Lunatic Asylum at _____, A. D., _____.
Received this day of _____, the patient named in the within warrant.
_____, Superintendent.

Rights of
relatives.

This warrant, with the receipt thereon, shall be returned to the probate judge who issued the same, and shall be filed by him, with the other papers relating to the case. In all cases the relatives of the insane person shall have a right, if they shall choose, to convey such insane person to the asylum, and in such case the warrant shall be directed to one of such relatives, directing him to take another of such relatives as his assistant. Provided, That in case the medical witness shall not state in his certificate, that the patient is free from any infectious disease and from vermin, it shall be the duty of the probate judge to refuse to make the application to the superintendent, as hereinbefore provided, until such certificate is furnished. The relatives of any person

charged with insanity, or who shall be found to be insane, under the provisions of this act, shall in all cases, have the right to take charge of and keep said insane person or persons charged with insanity, if they shall desire so to do; and in such case, the probate judge, before whom the inquest shall have been held, shall deliver such insane person to the person or persons desiring to take such person.

SEC. 24. When a patient is sent to the asylum, it shall be the duty of the probate judge to see that the patient is supplied with the proper clothing, and if not otherwise furnished, the probate judge shall furnish such clothing, and in such case the same shall be paid for upon the certificate of the probate judge and the order of the county auditor, out of the county treasury. For a male patient the clothing shall be a coat, vest and two pairs of pantaloons, all of woolen cloth, two pairs of woolen socks, two pocket handkerchiefs, two cravats, one hat or cap, a pair of shoes or boots, two cotton shirts and an overcoat or other outside garment, sufficient to protect him in severe weather. For a female patient such clothing shall be two substantial gowns or dresses, two flannel petticoats, two pairs of woolen stockings, one pair of shoes, two handkerchiefs, a decent bonnet, two cotton chemises, and large shawl or cloak. In both cases the clothing shall be new or as good as new, and the woollens of a dark color. Such clothing shall be delivered in good order, with the patient, to the superintendent, and without such clothing, the superintendent shall not be bound to receive the patient.

Clothing of patient.

SEC. 25. If any person found to be insane, cannot for any cause be admitted into the asylum, the probate judge shall direct the sheriff of the county, or some other suitable person, to take charge of such lunatic, until such cause shall be removed, and if necessary, may direct the confinement of such lunatic in the county infirmary or jail, as the circumstances may require, and if all things needful be not otherwise supplied, he shall furnish them, and in such case the same shall be paid for out of the county treasury, on the certificate of the probate judge and the order of the county auditor: Provided, that such judge shall not, in any case, furnish anything either in the way of clothing, as provided in section twenty-four of this act, or for any other purpose, to a person who is not in needy circumstances, as is provided in section sixty-three of this act: And provided further, no lunatic shall be confined in the same room with a person charged with or convicted of a crime.

When lunatic cannot be received into asylum.

SEC. 26. When a lunatic not entitled to admission into an asylum shall be at large, and his being so at large shall be dangerous to himself or others, upon such fact being established to the satisfaction of the probate judge, he shall immediately order such lunatic to be confined and provided

When dangerous lunatic is at large.

for, as directed by the twenty-fifth section of this act, and when any person shall be so confined, and the attending physician shall certify that such person is restored to reason, or that it is not necessary longer to confine such person, or if the friends of such person shall agree to take the care of such person, the probate judge shall immediately order his discharge.

Discharge of
incurable and
harmless pa-
tients.

SEC. 27. Any patient may be discharged from an asylum upon the application of the superintendent to one of the trustees, and order of such trustee. Incurable and harmless patients may be discharged whenever such discharge is necessary to make room for a recent case from the same county; and whenever an order shall be made out for the removal of a patient from an asylum, the superintendent shall forthwith give notice thereof, under seal of the asylum, to the probate judge of the county from which such patient was sent, and thereupon such probate judge shall forthwith issue his warrant to the sheriff or some other suitable person, (giving the relatives of the patient the preference,) which warrant shall be substantially as follows:

Warrant for
removal.

The State of Ohio, _____ county, ss:

Office of the Probate Judge of said county.

The proper authority having directed that _____, a patient from this county in the lunatic asylum at _____, be removed from said asylum, you are commanded forthwith to remove said patient and return him to _____ township in this county, of which he is an inhabitant.

Witness my hand and official seal this _____ day of _____, A. D. _____.

A. B., Probate Judge.

Upon the receipt of such warrant, it shall be the duty of the person to whom it is directed to forthwith execute the same, and return it to the probate judge by whom it was issued.

When dis-
charged as
cured.

SEC. 28. When a patient is discharged as cured, the superintendent may furnish such patient with suitable clothing, and such sum of money as he shall deem fit, not, in any case exceeding twenty dollars.

Selection of
patients.

SEC. 29. If application shall be made to any asylum for the admission of more patients than such institution can accommodate, a selection shall be made as follows: First—Recent cases, i. e., where the disease is of less than one year's duration, shall have the preference over all others in the same county. Second—Chronic cases, i. e., when the disease is of more than one year's duration, presenting the most favorable prospect of recovery, shall be next preferred. Third—Those for whom applications have been longest on file, other things being equal, shall be next preferred. Fourth—No county shall have in any institution more than

its just proportion according to the number of insane persons therein, as provided in the nineteenth section of this act, except in cases where some other county in the same asylum district shall not have a sufficient number of lunatics to fill up its proportion. In such cases the superintendent may admit from any county more than its just proportion, giving preference to patients applying as hereinbefore provided.

SEC. 30. When any patient discharged from an asylum as cured shall again become insane, and any respectable physician shall file with the probate judge of the county of which said insane person shall be an inhabitant, an affidavit setting forth the fact of the recurrence of the disease, and such other facts relating thereto as he may deem proper, the probate judge shall forthwith transmit a copy of such affidavit, authenticated by his official seal, to the superintendent of the proper asylum, and thereupon the same proceeding shall be had as provided in this act for persons found to be insane upon inquest held for that purpose.

When patient becomes again insane.

SEC. 31. All persons confined as insane shall be entitled to the benefit of the writ of habeas corpus, and the question of insanity shall be decided at the hearing; and if the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person has been restored to reason.

Habeas corpus.

SEC. 32. Pauper idiots and lunatics not within the meaning of this act, and those discharged from the asylum, shall be provided for in the same manner as other poor.

Pauper idiots and lunatics.

SEC. 33. In all cases of inquests held under the provisions of this act, the probate judge shall file and carefully preserve all papers filed with him, and shall make such entries upon his docket as will, together with the papers filed as aforesaid, preserve a perfect record of each case tried by him.

Entry and record.

SEC. 34. In all cases in which any patient shall die in either of the asylums of this state, it shall be the duty of the superintendent of the asylum to immediately notify the relatives of such deceased patient, if known to him, and if not so known, he shall immediately notify the probate judge of the county from which such patient was sent, who shall forthwith cause a notice of the death of such patient to be published in two of the leading newspapers printed in such county.

When patient dies in asylum.

SEC. 35. If any patient shall escape from any asylum of this state, and return to the county from whence he was committed, it shall be the duty of the sheriff of such county, when notified by the superintendent, to forthwith arrest such patient and return him to the asylum, for which service the

Escape of patients.

sheriff shall be allowed and paid such fees as shall be allowed by law for the commitment of insane persons to the asylum, which fees shall be paid out of the state treasury on the certificate of the superintendent and warrant of the auditor of state.

Discharge at
request of rel-
atives.

SEC. 36. If the friends of any patient shall ask the discharge of such patient from the asylum, the superintendent may, in his discretion, require a bond to be executed to the State of Ohio, in such sum and with such sureties as he may deem proper, conditioned for the safe keeping of such patient: Provided, that no patient who may be under the charge of or convicted of homicide, shall be discharged without the consent of the superintendent and the board of trustees having the charge of such asylum.

Suits in favor
of asylums.

SEC. 37. For all debts due the lunatic asylums of the state, an action may be maintained in the name of the superintendent of the asylum to which such debt may be due, and in such action the plaintiff shall be styled "the superintendent of the lunatic asylum at ———."

By whom
suits attended

SEC. 38. Prosecuting attorneys shall attend to all suits instituted in behalf of the asylums of the state, and shall be entitled to a compensation of five per cent. on all sums collected for the asylums.

Seal

SEC. 39. The superintendents of the several asylums shall provide an official seal for such asylums, upon which shall be the words "lunatic asylum at ———, Ohio," and the impression of said seal to a certificate or account, to which the signature of the superintendent is annexed, shall be prima facie evidence that such signature is the proper hand writing of the superintendent.

Costs and fees

SEC. 40. The taxable costs and expenses to be paid under the provisions of this act, shall be as follows: To the probate judge, with whom the affidavit is filed, the sum of two dollars, for holding an inquest under the provisions of this act. To the medical witness who shall make out the certificate required in the seventeenth section of this act, two dollars and witness fees, such as are allowed by law in other cases. To the witnesses and constable the same fees as are allowed by law for like services in other cases. To each person employed by the probate judge to commit a lunatic to the county infirmary seventy-five cents per day. To the superintendent of the county infirmary or jailor, for keeping an idiot or insane person, thirty-five cents per day. To the sheriff or other person than an assistant, for taking an insane person to the asylum, or removing one therefrom, upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and returning, and seventy-five cents per day for the support of each patient on his journey to or from the asylum, and to each assistant five cents per mile, and nothing more; the number of miles to be computed,

in all cases by the nearest route traveled, and costs specified in this section, to be paid out of the county treasury, upon the certificate of the probate judge and the order of county auditor.

SEC. 41. The probate judge, upon satisfactory proof that any person resident of the county or having a legal settlement in any township thereof is an idiot or lunatic, and that it is necessary, in order to preserve the property of such idiot or lunatic, shall appoint a guardian, which guardian shall by virtue of such appointment, be the guardian of the minor children of his ward, unless the court shall appoint some other person as their guardian.

Guardian of idiot or lunatic.

SEC. 42. That when any person having a wife shall be declared to be an idiot or lunatic, it shall be lawful for the probate judge to appoint the wife of such person his guardian, if it be made to appear to the satisfaction of the judge that she is competent to discharge the duties of such appointment, and any married woman appointed such guardian, shall in her said capacity, have power to enter into official bonds, and her sureties thereon shall be liable in the same manner, and to the same extent as though said bond was executed by a feme sole.

When wife may be appointed guardian.

SEC. 43. The court of probate, upon satisfactory proof that any person resident of the county, or having a settlement in any township thereof, is an idiot or lunatic, may appoint a guardian for such idiot or lunatic.

Guardian.

SEC. 44. Such guardian shall, by virtue of such appointment, be the guardian of the minor children of his ward, unless the court appoint some other person as their guardian.

Same.

SEC. 45. All laws relating to guardians for minors and their wards, and all laws pointing out the duties, rights and liabilities of such guardians and their sureties, in force for the time being, shall be applicable to guardians for idiots and lunatics and their children, so far as the same are in conformity with the provisions of this act.

Laws applicable.

SEC. 46. Such guardian may sue in his own name describing himself as guardian of the ward for whom he sues, and when his guardianship shall cease by his death removal or otherwise, or by the decease of his ward, any suit, action or proceeding then pending shall not abate, but his successor as guardian, or such idiot or lunatic, if he be restored to his reason, or the executor or administrator of such idiot or lunatic as the case may require, shall be made party to the suit or other proceeding, in like manner as is or may be provided by law for making an executor or administrator party to a suit or proceeding of a like kind, where the plaintiff dies during its pendency.

Suits by guardian.

SEC. 47. Whenever the sale of the real estate of such ward is necessary for his support, or the support of his family

Sale of real estate by guardian.

or the payment of his debts, or such sale will be for the interest of the estate of such idiot or lunatic, or his children, the guardian may sell the same under like proceedings as is or may be required by law to authorize the sale of real estate by the guardian of a minor.

Completion of
real contracts.

Sec. 48. The guardian of an idiot or lunatic, whether appointed by a court in this state or elsewhere, may complete the real contracts of his ward, or any authorized contract of a guardian who has died or been removed, in like manner and by like proceeding as the real contract of a decedent may under an order of court, be specifically performed by his executor or administrator.

Insolvency of
lunatic.

Sec. 49. If the estate of the idiot or lunatic is insolvent, or will probably be insolvent, the same shall be settled by the guardian in like manner, and like proceedings may be had as is or may be required by law for the settlement of the insolvent estate of a deceased person.

Foreign guardian.

Sec. 50. The foreign guardian of a foreign idiot or lunatic appointed in any other state of the United States or the territories thereof, may possess, manage or dispose of the real and personal estate of his ward, situate in this state, in like manner and with like authority as guardians of idiots or lunatics appointed by the courts of this state, after complying with the following requisitions: 1. An authenticated copy of the foreign commission of idiocy or lunacy proved, allowed and recorded in the county where such estate is situate, in like manner as is or may be provided by law for the admission to record of an authenticated copy of a will made in any other of the United States. 2. Evidence satisfactory to the court here before whom such foreign commission is approved, that such idiocy or lunacy still continues. 3. The foregoing guardian shall file his bond with sureties residing in this state or elsewhere, to the acceptance of the court, conditioned for the faithful administration of his guardianship.

Termination
of guardianship.

Sec. 51. Whenever the probate judge shall be satisfied that a lunatic is restored to reason, or that letters of guardianship have been improperly issued under this act, he shall make an entry upon the journal that said guardianship terminate; and the guardianship shall thereupon cease, and the accounts of the guardian shall be settled by the court.

When person
charged with
crime is found
lunatic at time
of commission

Sec. 52. If any person in prison, charged with a crime or misdemeanor, whether in needy circumstances or not, shall at any time before indictment is found against him, at the request of any citizen, be brought before an examining court in the manner provided by the act entitled "an act directing the mode of trial in examining courts, by whom such courts shall be held, and the manner of admitting to bail in criminal cases," passed March 12, 1852, and if it shall be found by the court that such person was an idiot or was insane when

he committed the offence, the said court at their discretion shall proceed, and the prisoner shall be dealt with in like manner as other idiots and lunatics are required to be after inquest held.

SEC. 53. If any person in prison shall, after the commission of an offence, and before conviction, become insane, whether he be in needy circumstances or not, and whether indicted or not, an examining court may be called in the manner provided in the act entitled "an act directing the mode of trial in examining courts, by whom such courts shall be held, and the manner of admitting to bail in criminal cases," passed March 12, 1852, and if such court shall find that such person became insane after the commission of the crime or misdemeanor of which he stands charged or indicted, and is still insane; the said court shall proceed, and the prisoner shall for the time being, and until restored to reason, be dealt with in like manner as other lunatics are required to be after inquest had. Provided, however, that if such lunatic be discharged, the bond given for his support and safe keeping shall also be conditioned that said lunatic shall, when restored to reason, answer to said crime or misdemeanor, and abide the order of the court in the premises; and any such lunatic may, when restored to reason be prosecuted for any offence committed by him previous to such insanity.

When person becomes lunatic after commission of crime.

SEC. 54. If the lunatic mentioned in the preceding section shall be confined in the asylum or infirmary, the superintendent in whose charge he may be, shall, as soon as such lunatic is restored to his reason, give notice thereof to the prosecuting attorney of the proper county, and retain such lunatic in custody for such reasonable time thereafter as may be necessary for said attorney to cause a capias to issue and to be served, and no longer; and such capias may be issued upon precept filed by said attorney with the clerk of the court of common pleas, by virtue whereof the said person so restored to reason, shall be again returned to the jail of the proper county, to answer to the offence alledged against him.

When such lunatic is restored to reason.

SEC. 55. When a person tried upon indictment, for any crime or misdemeanor, shall be acquitted on the sole ground that he was insane, the fact shall be found by the jury in their verdict, and the prisoner shall be dealt with as provided in the two following sections.

When person acquitted on ground of insanity.

SEC. 56. If the prisoner is not in needy circumstances, and the court are satisfied from the nature of the offence or otherwise, that it would be unsafe to permit the prisoner to go at large, such prisoner shall be dealt with in the manner provided in the twenty-fifth section of this act.

Same

SEC. 57. If the prisoner is in needy circumstances, the probate judge shall proceed, and the prisoner shall be dealt

Same.

Parsons, commutation or suspension of execution by governor.

with in like manner as other insane persons are required to be after inquest had, as provided in the twenty-fifth section.

SEC. 58. If any person, after being convicted of any crime or misdemeanor, and before the execution in whole or in part of the sentence of the court, become insane, it shall be the duty of the Governor of the state to inquire into the facts, and he may pardon such lunatic, or commute or suspend, for the time being, the execution in such manner and for such a period as he may think proper, and may by his warrant to the sheriff of the proper county, or warden of the Ohio penitentiary, order such lunatic to be conveyed to the asylum, and there kept until restored to his reason. If the sentence of any such lunatic is suspended by the governor the sentence of the court shall be executed upon him after such period of suspension hath expired, unless otherwise directed by the governor.

Other insane persons confined in jail.

SEC. 59. When any other persons than those described in the seven preceding sections shall be confined in jail, and shall be insane, they may be proceeded against by the probate judge, and sent to the asylum, infirmary, or jail, or discharged, upon bond being given for their safe keeping and support or otherwise as in other cases.

When sheriff or other person neglects to perform his duties.

SEC. 60. If the probate judge, sheriff, or any other person charged with duties under this act shall neglect or refuse to perform any such duties, he shall forfeit a sum not exceeding fifty dollars, to be recovered with cost, by an action under the act to establish a code of civil procedure, passed March 11, 1853, in the name of the superintendent, for the use of the asylum in his district, or shall be removed from office in the same manner as for any other neglect of duty. And if any insane person shall be conveyed to the asylum, before the superintendent shall have given notice that he can be received as hereinbefore provided, no fees or compensation whatever shall be paid to those by whom he was so conveyed.

When patient comes to asylum with convicts.

SEC. 61. If any person conveying a patient to the asylum, under the provisions of this act, shall convey such patient in company with criminals going to the penitentiary, or shall suffer such patient to drink ardent spirits, the person so conveying him, and his assistants, shall forfeit all claim to the compensation allowed them by this act, and moreover, shall be liable to the penalty prescribed in section sixty of this act.

Support of lunatics not in jail or infirmary.

SEC. 62. The board of county commissioners may allow any sum not exceeding fifty dollars per year, to be paid out of the county treasury, for the support of any idiot or lunatic having a legal settlement in any township of the county, and who is not supported, by the county, in the jail or infirmary.

Definitions.

SEC. 63. The terms insane and lunatic, as used in this act, include every species of insanity or mental derangement.

The term idiot is restricted to a person foolish from birth, one supposed to be naturally without a mind. A person with a family is one who has a wife and child, or either. The words "needy circumstances," as used in the fifty-seventh section of this act, shall be held to apply only to such persons as are described in the fifty-second section of this act, and when applied to a person without a family, shall mean one whose estate, after payment of his debts and excluding from the estimate such part of his estate as is exempt from execution, is worth less in cash than five hundred dollars; and the same words, when applied to a person having a family, shall mean one whose estate, estimated as aforesaid, is worth less in cash, after payment of his debts and the support of his family for one year, than one thousand dollars; Provided, that when the said words are applied to a married woman, her estate, and that of her husband, shall be estimated as aforesaid, and the amount shall determine the question as aforesaid, whether she be in needy circumstances or not, within the meaning of this act.

SEC. 64. If there be no physician employed for a stated time to attend the jail or infirmary, the judge may employ a physician to attend any idiot or lunatic confined therein, and the physician so employed shall receive a compensation not exceeding the rate of two dollars per day: Provided, that the county commissioners may, if they deem it proper, increase or diminish the same, which compensation shall, in all such cases be paid out of the county treasury.

Judge may
employ a
physician.

SEC. 65. All laws in force in relation to the "Ohio lunatic asylum," shall apply to all the asylums herein named.

Laws in force.

SEC. 66. The several boards of trustees having charge of the several asylums herein named shall continue in charge of the said asylums with all the powers they now possess until the several boards herein provided for shall meet and organize.

Present
boards.

SEC. 67. The salaries of the superintendent and other officers contemplated in this act shall be the same as the salaries now fixed by law for the same officers in the "Ohio lunatic asylum."

Salaries.

SEC. 68. The act entitled "an act to provide for the government of the Ohio lunatic asylum, and the care of idiots and the insane," passed March 19, 1850, and an act entitled "an act to amend an act entitled an act for the government of the Ohio lunatic asylum, and for the care of idiots and the insane, passed March 19, 1850," which amendatory act was passed March 4, 1851, and the act entitled "an act to provide for the erection of two additional lunatic asylums," passed April 30, 1852, be, and they are hereby repealed.

Acts repealed.

SEC. 69. All rights accrued and all proceedings now pending, shall in nowise be affected by this act, but the same shall be governed by the laws now in force.

Rights saved.

Take effect. SEC. 70. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To provide for the regulation and management of the Institutions of the Blind, and of the Deaf and Dumb.

- Trustees of
blind & deaf
& dumb asy-
lums
- Oath.
- Terms of of-
fice
- Officers.
- Powers.
- Limit of sala-
ries
- Reports.
- SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the institutions of the blind and the deaf and dumb, shall be placed under the control of separate boards of trustees, consisting of three members each, two of whom shall reside in the city of Columbus.
- They shall take an oath faithfully to discharge the duties required of them by law ; said board shall be appointed immediately after the passage of this act. The first named for one year, the second for two years, and the third for three years ; and as their terms of service shall expire, their successors shall be appointed for the term of three years.
- SEC. 2. That each board shall appoint from their number a president to preside at their meetings, and a secretary to record, attest and preserve its proceedings.
- SEC. 3. That each board of trustees shall have the government and control of its respective institution, with power to appoint and remove for sufficient cause, the superintendent and teachers ; to fix the compensation which each shall receive, provided that the superintendent of the blind asylum shall receive a sum for his services not exceeding one thousand dollars per annum, the superintendent of the deaf and dumb asylum, a sum not exceeding twelve hundred dollars per annum, and the stewards a sum not exceeding five hundred dollars each per annum, and with the superintendent, to make such general rules for its management, as they shall deem most conducive to its usefulness.
- SEC. 4. That each board and the superintendent shall meet annually, on the first Tuesday of November at their respective institutions, and make reports of the condition and wants of the institution, which reports shall contain the name of every person employed in the institution, and the amount paid to each, with a detailed account of the receipts and ex-

penditures of the institution, from all sources and for all purposes whatever, and present the same to the governor.

SEC. 5. That there shall be visitations and thorough examinations of each institution monthly, by one or more, and quarterly by a majority of the board; at such examinations the board shall draw up and place on record a detailed statement of the condition of the institution, which record shall be subject to the order of the general assembly, and at all times open to the inspection of the committees of the legislature on benevolent institutions.

Visitations.

SEC. 6. That the superintendents shall reside in the institutions, and shall have the entire control and management of their internal affairs in all departments, and shall be responsible to the trustees for their proper and efficient management, and for the faithful service of all persons engaged therein, and shall have power to nominate the teachers and other officers employed in the institutions and to discharge the same by and with the consent of the boards.

Superintendents.

SEC. 7. That each board shall appoint a steward who shall be well skilled in making purchases and keeping accounts, who shall give bonds in the sum of two thousand dollars to the state of Ohio, that shall be satisfactory to the trustees, for the faithful performance of all his duties; and shall, under the direction of the superintendent, purchase the necessary supplies for the institution at their lowest cash value, and shall see that the grounds and other property of the state are properly preserved and kept in order, and perform such other duties as may be assigned him by the superintendent.

Steward.

SEC. 8. The superintendent of each institution shall employ such attendants, servants and other persons, as he may deem necessary for the efficient and economical management of the institution, assign them their respective places and duties, and may at any time discharge them from service.

Attendants.

SEC. 9. The treasurer of state shall, from time to time, advance the steward of each institution on his own order, endorsed by the superintendent and two of the trustees, on a warrant from the auditor of state, a sum not exceeding one thousand dollars at one time, to meet current expenses. The steward shall keep an accurate account in detail, always open to the inspection of the superintendent and trustees, of all expenses paid out of the sums so advanced by the treasurer, and shall settle the same with the trustees and superintendent monthly or oftener if required, and shall account for the sum advanced before another order is approved.

Money to meet current expenses.

Steward's accounts.

SEC. 10. That no member of the Board of trustees and no officer of either of said institutions shall be in any manner, directly or indirectly, privately interested in the purchase or

Trustees and officers to have no interest.

sale of any article, building material or supply for the use of either institution.

Expenses of trustees.

SEC. 11. That the trustees provided for in this act shall perform all the duties required of them gratuitously; provided, however, that their necessary expenses shall be paid, while necessarily engaged in the discharge of their official duties; such payment to be made out of the state treasury on a warrant of the auditor of state.

Sections repealed.

SEC. 12. That so much of section one of the act to amend certain acts in relation to the asylums of the deaf and dumb, and for the blind, passed March 2d, 1846, also, of an act to re-organize the benevolent institutions of the state of Ohio, passed April 28, 1852; also of an act to amend the act to re-organize the benevolent institutions of the state of Ohio, passed May 1, 1854, as conflicts with the provisions of this act be, and the same are hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

Authorizing the sale of property for charges in certain cases.

Notice to owners, of receipt of property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all warehouse men, transportation companies, or railroad companies, shall, on the receipt of property in their warehouse, depot stations, or within thirty days thereafter, notify the owner or owners by letter or otherwise, (provided such property is plainly marked with the owner's name and place of residence) that such property is held by them subject to charges.

Sale of property not taken away.

SEC. 2. That if such owner, or owners, shall neglect to call, pay charges, and take their property away within six months from the time notice shall have been given as required in section one of this act, such warehouse men, transportation companies, or railroad companies, may sell the said property to the highest bidder at auction, by advertising the same thirty days in two of the papers published in the county of general circulation.

Disposition of moneys arising from sale.

SEC. 3 That all moneys so received from the sale of such property, after deducting all charges and other expenses, shall be held by such warehouse men, transportation company, or railroad company, one year from the day of

sale of such property, for the benefit and use of the owner or owners; and if not called for within that time, such warehouse men, transportation company, or railroad company, holding the same, shall pay, or cause it to be paid into the county treasury of the county in which the property was sold, within thirty days thereafter, and shall at the same time file with the county auditor a schedule of the property sold, giving in detail a description of each item of property, the name of the owner, the date of its reception, the time and manner of notice to the owner if known, the amount for which the same was sold, the name of the purchaser, and amount of charge on each.

SEC. 4. If at any time within six months after the payment of said money into the treasury and the filing of said schedule in the office of the county auditor, any claimant of any portion of said money shall prove his or her title to the same to the satisfaction of said auditor, by testimony to be reduced to writing and filed with said auditor, it shall be the duty of said auditor to issue an order upon the county treasury for the payment of the amount of said claim so proven, and all money remaining unclaimed, shall, at the expiration of said period of six months be by said county auditor transferred to the common school fund of the county.

When claimant proves title.

SEC. 5. This act to take effect from and after its passage.

In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

For the relief of certain turnpike and plank road companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where the shareholders of any turnpike or plank road company are individually liable for the liabilities of such company, the proportion that each shareholder shall be required to pay to meet existing liabilities, may be determined and collected in the manner provided by this act.

When shareholders in turnpike or plank road company are individually liable.

SEC. 2. The directors of any such company, desiring to avail themselves of the provisions of this act, shall give

Notice to shareholders.

notice to the shareholders for a meeting of the stockholders specifying the time and place of meeting and the object thereof.

Statement.

Sec. 3. At such meeting a detailed statement shall be submitted showing the assets and indebtedness of such company.

Majority to determine basis.

Sec. 4. A majority of the stockholders at such meeting may determine upon the basis for assessing the shareholders to meet the indebtedness of such company and fix the time or times and mode for the payment of the amount assessed against each individual or corporation.

Limit of liability.

Sec. 5. No one shall be liable beyond the sum fixed by the charter of such company, nor shall any one be so liable unless he was the owner of stock in such company at the time such indebtedness was contracted.

Action against delinquent stockholder.

Sec. 6. Any shareholder failing to pay as required, the amount so assessed, shall be liable to an action in the name of such company for the recovery thereof as in other cases of indebtedness.

Publication.

Sec. 7. The notice required by this act shall be given by publication, for at least thirty days in all the newspapers published in the counties in and through which the road of such company may be located.

In force.

Sec. 8. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

Curwen's R.
S. 1854.

To amend the act to provide for the organization of cities and incorporated villages, passed May 3, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sixty-sixth section of the act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, be so amended as to read as follows : SEC. 66. The city council shall have power to provide that, when a fine shall be imposed for the violation of the ordinances of the city, or any of them, and the same is not paid, the party convicted shall, by order of the mayor or

When fines
are not paid.

other proper authority, or on process issued for the purpose, be committed until such fine and the costs of prosecution shall be paid, or the party discharged by due course of law; they shall also have power to provide, that any person convicted of a repeated and willful violation of any ordinance, who shall refuse or neglect to pay the fine imposed and the costs of prosecution, shall, by like order or process, be imprisoned and kept in confinement for any time not exceeding thirty days; they shall have power to provide, that all vagrants, common street beggars, common prostitutes, and persons disturbing the peace of the city, shall, on conviction thereof, be punished by imprisonment for such period as may be provided by ordinance, not exceeding ninety days. Any city shall be allowed, for the purpose of imprisonment, authorized by law, the use of the jail of the proper county; and all persons so imprisoned, shall be under the charge of the sheriff of the county, who shall receive and discharge such persons in such manner as shall be prescribed by the ordinances of the city, or otherwise by due course of law: Provided, however, that the county commissioners of any county may at their discretion, on giving to the city council of any city, of the first class, written notice of their intention so to do, at least ninety days previous thereto, prohibit the use of the county jail for the purposes hereinbefore authorized; Provided, further, that if, within ninety days after such notice shall have been given, the city council of such city shall have efficiently provided by the appropriate ordinances and contracts for the immediate erection of a city prison, house of correction, or work house for the purposes of imprisonment, authorized by this act, the said city shall continue, notwithstanding such notice and prohibition, to have the use of the county jail, for the purposes herein authorized, until such city prison, house of correction, or work house shall be erected and ready for use.

Vagrants, &c.

Use of jail.

Proviso.

Sec. 2. That original section sixty-six of the act aforesaid, be, and the same is hereby repealed.

Sec. repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Ourwen's R.
S. 1396.

Supplementary to an "act regulating railroad companies," passed February 11, 1848, and repealing the eighth section thereof.

Extension of
time for com-
pletion of
railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which any railroad company heretofore incorporated has been duly organized under any law of this state, and has commenced in good faith the construction of any portion of its railroad, and has made expenditures thereupon, and the act incorporating said company, or any law of this state requires the completion sufficiently for use of such railroad, or any specified part thereof, within any limited period after the passage of the act incorporating such company, or after the organization thereof, and such company has not so completed said railroad, or such specified part thereof within said limited period, and such period has not expired, or has been temporarily extended by order of any court of competent authority, it shall be lawful for such railroad company to proceed in the construction of said railroad or such specified part thereof and complete the same at any time, within five years from and after the expiration of the time so limited by the act or acts under which such company was organized. Provided this section shall not apply to any railroad company against whom any action is now pending to rescind contracts in reference to the subscription of stock or the recovery of money or real estate given in payment of stock subscriptions.

Proviso.

Sec. repealed.

SEC. 2. That the eighth section of the act entitled "an act regulating railroad companies," passed February 11, 1848, be, and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To fix the times for holding the terms of the court of common pleas in the county of Cuyahoga.

Common
pleas in Cuy-
ahoga county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the court of common pleas in the county of Cuyahoga, shall hereafter be held as follows: On the 15th day of February, the 17th day of May, and the

15th day of November; any act heretofore passed notwithstanding: Provided that whenever any of said days shall come on Saturday or Sunday, that term shall commence on the Monday following.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Authorizing the board of public works to take charge of the slackwater from the head of the Trenton feeder to Urichsville, in Tuscarawas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized and required to take charge of the slack-water created by the Trenton feeder dam, in Tuscarawas county, extending from the head of said feeder to Urichsville, for the purpose of removing bars or other obstructions from the channel thereof, and keeping the same open for navigation.

Board of public works to take charge of certain slack-water.

SEC. 2. That all laws in force in relation to the navigation, protection and repair of the public works of this state be, and the same are hereby extended to said slack-water.

Laws in force to extend to said slack-water

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Supplementary to the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

Curwen's R. S. 1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons, not less than three, may associate themselves together, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "an act to provide for the creation and regulation of incor-

Companies for certain purposes.

porated companies in the state of Ohio," passed May 1, 1852, for the purpose of constructing and maintaining a canal or canals for hydraulic purposes; with the necessary culverts, waste-ways and fixtures building and repairing steam-boats, and other water craft; building or operating dry docks and marine railways; printing and publishing a newspaper or newspapers, or books, or other publications; quarrying stone, marble or slate; mining coal, ores and other minerals, or manufacturing the same in whole or in part, or both; and carrying on business usually connected with the main objects of the corporations aforesaid; and when organized shall be a body corporate, having all the privileges, immunities and powers conferred upon manufacturing companies by said act, and shall be governed in all respects by the provisions of said act and the acts supplementary and amendatory thereto.

Power to take
and grant real
estate.

SEC. 2. Any company organized for the purposes aforesaid, shall have power to take, by purchase or otherwise, and hold such real and personal estate as may be deemed necessary for conducting the business of the association, and shall have power to lease, sell, convey or mortgage the same, in such manner, and for such purposes, as may be prescribed by the rules and regulations of the company not inconsistent with the laws of this state.

May construct
railroads for
objects of their
business.

SEC. 3. The several companies which may be organized under the provisions of this act, for the purpose of mining, quarrying or manufacturing, shall be authorized, when such purpose shall be stated in the certificate of organization, to construct a railroad, with a single or double track, with such side tracks, turn-outs, offices and depots as they may deem necessary to carry out the objects of the incorporation, from any such mine, quarry or manufactory, to any other railroad; or any canal, slack-water navigation, or other navigable water or place within or upon the borders of this state; and shall, in respect to such railroad, be subject to and governed by the act aforesaid, and the said supplementary, amendatory and other acts in relation to railroads, so far as applicable thereto.

In force.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

For the relief of the stockholders and creditors of the Sandusky, Mansfield and Newark Railroad Company

WHEREAS, a civil action is now pending in the court of common pleas of Erie county, Ohio, in behalf of Henry Grinnell and others, as plaintiffs, against the Sandusky, Mansfield and Newark railroad company and others, as defendants, for the recovery of an alleged indebtedness of said railroad company to parties and persons for whom the plaintiffs are trustees, under and by virtue of a certain deed of trust; in which action the plaintiffs, among other things, pray that a sale of said company's railroad, with its fixtures, rolling stock and property used in operating said road, together with the corporate franchises of said company, may be made, to satisfy any judgments or decrees that may be rendered in said action; And whereas, it is represented to this general assembly that, pending the proceedings in said action, at least three-fourths of the stockholders and creditors of said company have agreed upon a plan of adjustment of the stock and compromise of the liabilities thereof, by a reduction of its stock and debts to a basis of two million four hundred thousand dollars, in which plan is a proviso that unless the same can and shall be carried out and perfected by the general consent of the parties interested, it may be done by the aid of a court of law; And whereas, doubts are entertained whether the corporate franchises of said company would, by operation of law, pass to and vest in the purchasers of said property under any sale which might be ordered by said court: Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if, upon trial or hearing of said action by the court aforesaid, or any court to which the same may be carried, by appeal or otherwise, a sale of said railroad, fixtures, rolling stock and other property of said company, used in operating said road or in connexion therewith, shall be ordered or decreed, it shall be the duty of said court, if satisfied that it is to the manifest advantage and interest of the stockholders and creditors, and necessary to facilitate and perfect said compromise and adjustment, further to order and decree that the corporate franchises of said company shall, by virtue of the sale so to be made, pass to and vest in the purchasers. And in such case it shall be the duty of the court, by its proper order to be made in that behalf, to prescribe such terms as may be just and equitable as to the time and place of holding such sale, the notice to be given thereof, and the minimum price at which it may be made; which sale shall be made by the receiver in said action and reported by him to the court ordering the same, subject to be confirmed or set aside according to the equity of the case.

In case of sale of S. M. & N. railroad or property thereof, by decree of any court, the court may order that the franchises of the company shall pass to the purchasers.

Purchase, by
whom made.

SEC. 2. The purchase of said railroad, fixtures, rolling stock, property and franchises of said company, may be made by any person chosen by the parties to said action, or by the parties thereto in interest, or any number of them, in trust, for the benefit of all parties to said agreement of compromise and adjustment, the duties and obligations of which trust shall be executed as the court ordering such sale may direct: Provided, that all stockholders and creditors not parties to said purchase, may avail themselves of the benefits of said agreement of compromise and adjustment, within any time after the sale aforesaid that may be fixed by the court.

Purchasers
may create a
joint stock &
elect directors

SEC. 3. At any time after the confirmation of such sale, the purchasers, or the persons for whose benefit as stockholders under said compromise and adjustment, the purchase may have been made by trustee or otherwise, shall have the right and power to create a joint stock to be apportioned among themselves as they may agree, or according to the terms of said compromise and adjustment, in shares of fifty dollars each, not exceeding in the aggregate the amount of the stock of said company as now prescribed by law, and shall proceed to elect a board of nine directors, to whom shall pass and be transferred all the corporate rights and franchises of the company, subject to all the limitations and restrictions by which the same were before holden, and who shall exercise the corporate rights and franchises in the corporate name of the company, and shall hold all and singular the property, rights and franchises free and discharged of all claims thereto, by or in behalf of the former creditors and stockholders of the company, save only such claims in behalf of creditors subject to which as incumbrances on said property such sale may be ordered by the court to be made.

Order for dis-
tribution of
proceeds.

SEC. 4. It shall be lawful for the court ordering such sale to make such order relative to the distribution of the proceeds thereof as it may deem just and equitable; due regard being had to the legal rights of the parties, and to the terms of said plan of adjustment and compromise in case the purchase shall be made in trust for the parties thereto.

Order for sale
of property.

SEC. 5. On motion of any party in interest, to be made in said action, the court may cause any and all other property and effects, rights and credits, of said company to be sold or otherwise converted into money, which shall be distributed and applied as is prescribed in the preceding section of this act.

Powers and
jurisdiction of
proper court
not limited by
this act.

SEC. 6. Nothing in this act shall be so construed as to impair or limit the power and jurisdiction of the proper court aforesaid over the subject matter of said action and the parties thereto, in case the court is not satisfied that it is to the manifest advantage and interest of the stockholders and creditors and necessary to facilitate and perfect said compromise and adjustment, that the powers herein confer-

red shall be exercised ; but in such case said court shall exercise the same power and jurisdiction which it might lawfully exercise if this act had not been passed.

SEC. 7. The governor of this state shall be and he is hereby empowered to represent the stock held or owned by the state in said company, in any arrangement he may deem beneficial to the interests of the state with a view to the reorganization of said company by the purchasers aforesaid, and to give the assent of the state thereto.

Govern'r shall represent State stock.

SEC. 8. This act shall take effect and be in force from and after the passage thereof: Provided, that all suits pending by or against said corporation may be prosecuted or defended as if this act had not passed: And provided further, that all rights in action, not passing by the sale herein contemplated, may be prosecuted or settled in the corporate name.

When in force.

Provisos.

SEC. 9. This act shall not be so construed as to postpone the right of any person or persons who shall have deposited any wheat or produce in the warehouses of said company, and which the company may have converted to its own use, to the payment of any dividend to the stockholders, but before any such dividend to stockholders shall be paid, persons having such claims shall be paid the same in full: Provided, that no person holding any such claim who shall have entered into the agreement for the settlement or adjustment of the affairs of said company shall derive any benefits under this section.

Rights of certain persons saved.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To restore to the court of common pleas the jurisdiction of minor offences in certain counties in this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the court of common pleas, in addition to the criminal jurisdiction it now has shall have original jurisdiction of all crimes, offences and misdemeanors, the cognizance of which is now vested in the probate court.

Criminal jurisdiction of com. pleas.

SEC. 2. All prosecutions for said crimes, offences and misdemeanors, shall be by indictment, in said court, in the county in which the crime, offence or misdemeanor shall have

Prosecutions.

been committed, except where it is otherwise provided in the several acts for the punishment of crimes.

Fines and imprisonment. SEC. 3. All fines collected under said prosecutions, shall be paid into the treasury of the county where the prosecution is held, and all persons imprisoned under said several prosecutions, shall be imprisoned in the jail of the proper county.

Recognizances and transcripts. SEC. 4. All recognizances which shall hereafter be taken by justices of the peace, and other officers authorized to take the same, and all transcripts in criminal cases, within the jurisdiction of the common pleas court, shall be returned to said court forthwith, after the commitment of a person charged with an offence, or the taking of a recognizance for his appearance before said court.

Prosecutions pending. SEC. 5. That all prosecutions pending in the court of probate of any county, at the time of the taking effect of this act, shall be continued upon the informations now filed in the court of common pleas of the proper county, and the probate judge of each county is hereby directed to transmit to said common pleas court, all informations and recognizances now on file in his office, and not disposed of.

Name of prosecutor to be endorsed on bill of indictment SEC. 6. That no bill of indictment for any offence specified in the act entitled "an act for the punishment of crimes," passed March 8, 1831, shall be found a true bill by any grand jury, unless the name of the prosecutor be endorsed thereon, except such bill be found upon testimony sworn and sent to the grand jury by order of the court at the request of the prosecuting attorney, or the foreman of the grand jury, in which cases the fact that the bill was found upon testimony sworn and sent to the grand jury by order of the court, shall be endorsed on the bill instead of the name of the prosecutor.

Exception. SEC. 7. That in all cases where the prosecutor's name is endorsed on the bill, and the same is found a true bill by the grand jury, and upon trial the defendant is acquitted, the prosecutor shall be liable for costs, and the court at the term at which such acquittal shall take place or at any subsequent term, shall render judgment against such prosecutor for such costs unless the court shall be of opinion that there were reasonable grounds for instituting the prosecution.

When defendant is acquitted prosecutor liable for costs. SEC. 8. That chapter four containing from sections twenty-nine, to, and including section fifty-six of an act defining the jurisdiction and regulating the practice of the probate court, passed March 14, 1853; also an act amendatory of the same, passed April 26, 1854, be and the same are hereby repealed.

Sections repealed. SEC. 9. The provisions of this act shall not apply to the counties of Jackson, Vinton, Meigs, Fayette, Hocking, Lake, Trumbull, Harrison, Portage, Seneca, Adams, Putnam,

Counties excepted.

Henry, Lucas, Pike, Cuyahoga, Medina, Mercer, Lawrence, Gallia, Miami, Summit, Delaware, Wood, Ottawa, Carroll, Guernsey, Monroe, Lorain and Scioto, and the repeal herein of chapter four of an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853, shall not apply to the counties named in this section, but the jurisdiction of the probate court in said counties shall remain the same as if this act were not passed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 9, 1856.

AN ACT

Further defining the duties of county treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter, the treasurer of each county in this state, which, according to the last federal census, had a population of less than one hundred thousand inhabitants, shall retain in his hands for disbursement, as hereinafter provided, all the taxes by him collected, which shall have been levied for any purpose whatever within the township, in which by law the county treasury is located, whether for township purposes, school purposes, or the purposes of municipal corporations; also, all funds of every kind which shall be paid into the county treasury, and are applicable to any such purpose within the limits of aforesaid township: Provided, That this section shall not apply to taxes levied for state purposes.

Treasurers of counties of less than 100,000 inhabitants to retain certain taxes.

SEC. 2. The said taxes, thus retained by said county treasurer, shall be disbursed by him as follows:

Disbursement of said taxes.

The taxes collected under the levy made by the township trustees, for all purposes, shall be paid out on the order of the said trustees, or any two of them.

The taxes collected under the levy made by the council of any municipal corporation within said township, shall be paid out on the order of such person or persons as may be appointed by the council of said corporation.

The taxes collected under a levy, made by the township board of education, organized under the "act for the reorganization, supervision and maintenance of common schools," passed March 14, 1853, shall be paid out on the

order of such person or persons, as said board of education may prescribe.

The taxes collected under a levy, made by a board of education, organized under the "act for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, and the acts amendatory thereof, or under the "act for the better regulation of common schools in towns and cities, &c.," passed February 21, 1849, and the acts amendatory thereof, shall be paid out on the written order of the president of said board, countersigned by the secretary of the same.

Settlement
with town-
ship trustees,
&c.

SEC. 3. That said county treasurer shall settle and account with the several boards of township trustees and of education, and with the council of municipal corporation herein named, as often as is or may be provided for the settlement of the treasurers of township and municipal corporations respectively.

No township
or municipal
treasurer to be
elected in
township
where office of
county treas-
urer is
located.

SEC. 4. That hereafter there shall not be elected within the limits of the township, in which by law the office of the county treasurer is located, any township treasurer, nor any treasurer of a municipal corporation, and no person shall be allowed any compensation for the disbursement of the taxes herein required to be disbursed by said county treasurer: Provided, That the provisions of this section shall not apply to municipal corporations, in which the taxes of such corporation are collected by its treasurer.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend the act entitled "an act to provide for the organization of cities and incorporated villages," and the act amendatory thereto, passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-second of said amendatory act be so amended as to read as follows: Sec. 22. That the powers granted to the council of any city, by sections sixty-

Sec. amended.

four and sixty-five of the "act to provide for the organization of cities and incorporated villages," are hereby granted to the council of any incorporated village.

N. H. VAN VORHES,
Speaker of the House of Representatives.

THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend the act to regulate the fees of officers in civil and criminal cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the act entitled "an act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831, be amended so as to read as follows:

Sec. 14. That each county commissioner shall be allowed two dollars per day for his services, to be paid out of the county treasury, upon the order of the county auditor; except in counties in which, by the last federal census, the population amounted to one hundred thousand or upwards, in which counties each commissioner shall be allowed five dollars per day for his services, to be paid out of the county treasury as aforesaid.

Fees of county
commission-
ers.

SEC. 2. That original section fourteen of the act aforesaid, be and the same is hereby repealed.

Sec. repealed.

SEC. 3. That the act entitled an act to fix the compensation of the commissioners of Hamilton county, passed March 30, 1850, be and the same is hereby repealed.

Act repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.

THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To provide for the payment of the public debt of the state, due January 1, 1857, and for the payment of the interest on the public debt.

Commission-
ers of sinking
fund shall is-
sue certifi-
cates of stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the sinking fund be, and they are hereby authorized, to issued in accordance with the provisions and conditions of the act of February 4, 1825, creating the state debt, and of the several acts amendatory thereof, transferable certificates of stock bearing interest at a rate not exceeding six per centum per annum, payable semi-annually at the transfer agency in the city of New York, the principal to be redeemable at the pleasure of the state, at such time between the year 1875 and the year 1886, as the commissioners of the sinking fund may determine; the certificates to be transferrable at said agency in the manner prescribed by law, or coupon certificates as the said commissioners may deem most advisable to be registered at said agency.

Limitations.

SEC. 2. The said commissioners shall not, by authority of this act, issue certificates to an amount greater than the principal of the funded debt of the state, made payable at the pleasure of the state after the year 1856, after the application of the sinking fund available for that purpose, to the payment thereof; nor shall they sell any certificate of stock at a rate less than the per value thereof.

Proceeds—
how applied.

SEC. 3. The moneys arising from the sale of the certificates authorized by this act, shall be applied by the commissioners of the sinking fund, to the redemption of the certificates of the funded debt of the state, made payable as stated in the second section of this act, and to no other purpose.

Appropriations.

SEC. 4. The following sums are hereby appropriated of any moneys in the treasury belonging to the sinking fund including the amount that may be raised by the sale of certificates as provided in the first section of this act for the year 1856, viz: For the payment of the semi-annual interest to become due on the foreign debt of the state, on the first day of July 1856, and the first day of January 1857, and the semi-annual interest to become due on the domestic debt of the state on the first day of May, and the first day of November 1856, the sum of eight hundred and thirty thousand dollars. For the payment of interest on school and trust funds, held by the state, one hundred and thirty-three thousand eight hundred and thirty dollars. For the payment of the foreign debt of the state, payable at the pleasure of the state after the year 1856, two millions five hundred and nine thousand dollars. For the payment of the debt of the state past due, the certificates of which have not been presented for payment and not bearing interest, two thousand three hundred and fifty dollars. For the payment of the salaries

of the transfer agent and registrar in New York City and contingent expenses of their offices for the year 1856, a sum not exceeding eight thousand dollars.

Sec. 5. This act shall be in force from and after its passage. In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS. H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To enable mutual insurance companies to become joint stock companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any corporation authorized, or that may hereafter become authorized by any law of this state, to insure property against loss or damage by fire, or any other cause or risk, to make insurance upon lives, to make insurance against loss or damage on goods or merchandise in the course of transportation, whether on land or water on any vessels or boats, to lend money on bottomry or respondentia, or to cause itself to be insured against any loss or risk they may incur in the course of its business, and which is bound by law to distribute the net profits of its business, in whole or in part, among those who have paid premiums to the said company for insurance, or are otherwise holders of its policies of insurance, may become a joint stock company, with all the powers and privileges as to the kind of business it may be authorized to prosecute, and as to the mode and manner of prosecuting the same it previously possessed, by accepting the provisions of this act, in the manner hereinafter provided.

Mutual insurance companies may become joint stock companies.

SEC. 2. That when the board of directors for the time being, of any such company desire to become a joint stock company, by accepting the provisions of this act, they shall pass a resolution to that effect, calling a meeting of those holding the certificates of said company, and all others entitled to receive on distribution, any proportion of the net profits of said company, of which meeting at least thirty days notice shall be given in two newspapers published in, or of general circulation in the county in which the principal office for business of said company is situated, specifying

Proceedings.

the time, place and object of holding the same; when the proposition to become a joint stock company shall be submitted to them to be voted on, and if agreed to by the persons, representing in person or by proxy, three-fourths in amount of the certificates of said company, or otherwise entitled on distribution to the major part of the net profits of said company, the said company shall thereupon cease to be a mutual, and shall be and become a joint stock company.

What certificates shall be issued.

SEC. 3. That thereafter no certificates shall be issued to any person or persons, entitling them to any proportion, on distribution of the net profits of said company, except certificates of shares in the capital stock of said company, and all existing and outstanding certificates shall be canceled, and new certificates of capital stock issued to an equal amount to the holders thereof, according to their relative value which shall be estimated in conformity with the interest they respectively bear, and whenever the board of directors shall thereafter declare a dividend arising from the profits of said company, they may either pay the same, in whole or in part, in money, or issue new certificates therefor, in whole or in part, thereby increasing the capital stock of said company, unless otherwise directed by the holders of a majority in amount of the stock.

Holders of certificates who vote against change.

SEC. 4. That the holder of any certificate in any such mutual insurance company, or other person entitled to receive a proportion on distribution of the net profits thereof, voting at any such meeting, as herein provided for, against the proposition to make such company a joint stock company, shall be entitled to retain his said certificate or other claim, drawing interest as if such change had not been made, and to receive thereon from time to time, the proportion of the profits thereof, to which he would have been otherwise entitled, to be credited on the same, until the same shall become fully paid off and extinguished, remaining liable however, for any payments thereon to said company, to which he would have remained liable on account of any losses, in case said change had not been made.

Sale of certificates for indebtedness of holder.

SEC. 5. That the certificate or certificates of any person or firm, who may at any time be indebted to the said insurance company, and who shall not pay such indebtedness within sixty days after notice, that the same is due, may be sold at public auction after three weeks notice of such sale, in at least two newspapers published in, or of general circulation in the county where the principal office of business of said company is situated, and the net proceeds of such sale shall be applied to the payment of the claim of the said insurance company, and the remainder, if any, shall be paid on demand to the party entitled to the same, and the interest of the holder of such certificates shall be effectually canceled

- by such sale, and the certificates shall be deemed void and of no effect, and new certificates shall be issued by said company to the purchasers of said certificates.

SEC. 6. That the directors of any such company, on such change being agreed to as herein above provided, shall determine and declare the amount of each share of the said capital stock, for which certificates shall be issued, and for all fractional parts thereof, to which any person may be entitled, shall issue certificates therefor, which shall draw such rate of interest, payable out of the current net profits of said company, and the principal of which shall be paid and canceled, as the directors of said company, for the time being, may from time to time order and determine.

SEC. 7. That it shall also be lawful for any mutual insurance company now in existence, or hereafter created, which shall not desire to become a joint stock company according to the provisions of this act, to receive from any person or persons applying for insurance in said company, a certain definite sum of money, to be determined by the directors of said company, in full, for such insurance, and said sum shall be in lieu of a premium note, and such person or persons shall not be liable to said company during the continuance of his or their policies on account thereof for any further sum of money, and all such sum or sums of money as shall be paid to said company in lieu of said premium note as aforesaid, shall be retained as a fund for the payment of losses and expenses which may happen or accrue in and to said company, which said fund shall be exhausted before a resort shall be had to assessments upon the premium notes deposited with said company, which said notes and fund as aforesaid, shall constitute the capital of said company for the payment of losses and expenses.

SEC. 8. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

Directors may determine amount to which each person is entitled.

Mutual insurance companies not desiring to become joint stock companies.

AN ACT

To authorize seminaries of learning to change their names and become colleges.

Incorporated
seminaries
may become
colleges.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That seminaries of learning, incorporated by general law or special act, shall have power to change their names and become colleges, and after such change, to confer upon their graduates the usual degrees granted by colleges; Provided, that no such change as is herein authorized shall alter in any respect the privileges and responsibilities otherwise imposed upon or enjoyed by such seminaries.

Proceedings.

SEC. 2. Every seminary availing itself of the power herein given shall, in making such change, enter a resolution with full minutes of their action upon the regular records of the seminary, affixing thereto its common seal; and before the taking effect of such resolution, it shall be accurately transcribed and with the accompanying minutes, and the common seal affixed, shall be filed in the office of the recorder of the proper county and recorded by that officer; and also filed in the office of the secretary of state to be recorded by said secretary; and any copy of such file or record, duly certified by the county recorder or secretary of state, as the case may be, shall be evidence in the courts of the state.

Suits.

SEC. 3. After making the change herein authorized, suits may be brought by or against such corporations, in the name assumed in pursuance of this act.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

To dispense with surveys of land when the same has been sold in different parcels for the non payment of taxes, and to authorize a conveyance of the same without such surveys.

Conveyance
of lands sold
for non-pay-
ment of taxes,
without sur-
veys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases, where the whole of any tract of land has been heretofore or may hereafter be sold for non-payment of taxes, in different parcels to different purchasers, and the certificates of the sale of which said different parcels comprising the whole of said tract of land shall or may come into the possession of any one of said purchasers, or

their assignee by assignment, it shall be lawful for the county auditor of the proper county to dispense with the survey of said separate or different parcels, and to make, execute and deliver one deed of conveyance for the whole of said tract to the assignee or purchaser so having the said certificates in his possession, by assignment—which deed so executed and delivered, shall vest in the grantee, his or her heirs or assigns, the same title, both in law and equity, as if separate deeds for each and every parcel of such tract so sold, were or had been made after and upon the proper surveys heretofore required to be made in conformity with the laws then in force upon the subject.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS. H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend an act entitled "an act to amend the act to provide for the maintenance and better regulation of common school in the city of Cincinnati," passed January 27, 1853, and April 18, 1854. Curwen's R. S. 2278.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventeen of the act to which this is an amendment, be amended so as to read as follows :
 Sec. 17. The property of all colored persons in said city shall be listed and taxed for school purposes in the same manner as the property of other persons, and the separate schools now established for the education of the colored children in said city, in such districts as the board of trustees and visitors shall have established, shall continue until changed as hereinafter provided, and the district schools so established shall be conducted under the control and management of three directors in each district, who shall be elected annually from among the residents in such districts respectively, by the adult colored males resident in such districts, at a meeting to be held in each district, on the last Monday in June of each year, of which public notice of time and place of election shall be given by the clerk of the board for at least one week previous to each election, by publication in a newspaper published in said city ; and said directors, when elected, shall take an oath of office, and shall hold their office one year, or until their successors shall be elected and qualified, and vacancies in their numbers shall be filled by said

Taxation of property of colored persons, for schools in Cincinnati.

Directors.

Powers and duties.

directors, and they shall have the care and management of the schools and school property of their respective districts, appoint teachers and regulate their salaries, regulate the course of studies and text books, fix and determine the times and duration of such schools, and the vacations thereof; provide suitable accommodations furniture and fuel for their due maintenance, and perform all the duties necessary for keeping up such schools, and for the government and instruction of the colored children of their respective districts in said schools. Said directors shall cause a record of their proceeding to be fairly kept, in books which they shall provide for that purpose, and transmit to their successors; and all powers and duties, conferred or imposed upon the board of trustees and visitors, of common schools in said city by sections five, six, seven, eight, nine, ten, thirteen and fifteen, of the act entitled "an act to provide for the better regulation of common schools in the city of Cincinnati," passed January 14, 1853, be, and the same is hereby conferred and imposed upon said board of colored directors so far as the same are applicable to colored schools, and so much of the school funds of said city, as upon an equal distribution of the same *per capita*, under any enumeration required by this act, as would fall to the share of the colored children of said city, as ascertained by any such enumeration, shall be appropriated as a fund, subject to the order of said board of directors, for the support of said schools for colored children; Provided, that no person shall be employed or paid, directly or indirectly, as teacher or instructor in any of said schools until he or she shall first have obtained from the board of examiners, created by this act, a certificate of qualification as to his or her competency and moral character. The said board of directors for colored schools shall, on or before the second Monday of May, annually cause to be certified to the board of trustees and visitors of common schools of the city of Cincinnati, an estimation of the amount necessary for the support of the schools, under the control of the board of directors for colored schools; and said board of trustees and visitors shall include said estimate, or so much of it as they shall deem necessary in their annual certificate to the city council of the city of Cincinnati, of the amount necessary to be raised for school purposes in said city.

Certificate of
qualifications

Director's es-
timate.

Definitions.

Sec. repealed.

Sec. 2. The words "colored persons" and "colored children," as used in this act, and the act to which this is an amendment, shall be deemed and held to mean those who are reputed to be in whole or in part of African descent.

Sec. 3. That the original section seventeen of the act of which this act is amendatory, be, and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of June next.

When in force

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend an act entitled "an act for opening and regulating roads and highways," passed January 27, 1853.

Ourwen's R.
 S. 2105.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no order of the county commissioners for the establishment of a county road, or for the alteration or vacation, in whole or in part, of a state or county road, shall be executed until twenty days shall have elapsed after the entry of such order in the record of the commissioners.

When order
 for county
 road shall be
 executed.

SEC 2. That an appeal from the final order of the county commissioners establishing a county road, or altering or vacating, in whole or in part, a state or county road may be taken to the probate court of the same county by any person or persons, having an estate in fee, for life, or years, in any lands or tenements, situate in any township in said county, in or through which township such new, altered or vacated road passes, or by the husband of any married woman, or guardian of any ward, having such an estate.

Appeal to
 probate court.

SEC. 3. That in order to perfect such an appeal, it shall be necessary for the appellant, or appellants, to execute with sufficient sureties, or cause to be executed by sufficient sureties, to be approved by the county auditor, a bond or undertaking, payable to the state of Ohio, in a penal sum of not less than one hundred nor more than three hundred dollars, in the discretion of said auditor, conditioned for the payment by such appellant or appellants, of all costs that may be adjudged against him or them in the probate court, or in any other court to which the proceeding may be removed by petition in error, which bond shall be filed with said auditor on or before the twentieth day after the entry of the order appealed from in the record of the commissioners. But minors, idiots or lunatics, or their guardians respectively, may appeal without giving bond, by causing an entry to that effect to be made, within the period aforesaid, by the county auditor in the record of the commissioners.

Bond for pay-
 ment of costs.

Transfer of
papers from
auditor's
office to pro-
bate court.

SEC. 4. Within ten days after the filing of an appeal bond as aforesaid, or the making of an entry for an appeal as aforesaid, the county auditor shall transmit to the probate court the original papers in the premises and also a certified transcript, from the record of the commissioners, of all proceedings and orders had or made by or before them, therein; upon the receipt of which the probate judge shall forthwith docket the proceedings, styling the petitioners, plaintiffs; and the appellant or appellants, defendant or defendants; and shall set a day for the hearing thereof, which shall not be later than the twentieth day after such docketing of the appeal.

When order
affirmed.

SEC. 5. If, upon the hearing of said matter it shall appear that the proceedings previous to the appeal, were in substance regular and legal, and if no exception be taken by any claimant of damages to the assessment returned to and approved by the county commissioners, it shall be the duty of the probate court to affirm the orders of the commissioners, and to enter a judgment against the appellant or appellants, for all costs created by the appeal. But if said previous proceeding shall be found to be substantially erroneous, the court shall set them aside, and order another view by three disinterested freeholders of the county to be appointed by the court, who shall perform the same duties that are required by the act aforesaid of viewers appointed by county commissioners, except that they shall make their return to the probate court. The order to said viewers shall specify a place where, and a day upon which—or within two days, Sunday excepted, thereafter—they shall meet to commence the performance of their duties, and shall require them to make their report on or before a day therein specified, which shall not be later than the twentieth day after the entry of the order in said court. The court shall also appoint a surveyor to attend said viewers and perform the duties required by the act aforesaid of surveyors, who shall have power to take to his assistance two chainmen and a marker, all of whom shall be disinterested, and he shall deliver a report and plat of his survey to one of said viewers in time to be returned with their report; and it shall be so returned.

When set
aside.

Order to
viewers.

Surveyor.

Confirmation
of such pro-
ceedings.

SEC. 6. If the proceedings and report of the viewers and surveyor, or of the reviewers hereinafter mentioned, shall be substantially legal, and shall also substantially coincide with the order of the commissioners appealed from, the court shall confirm such proceedings and report, and shall render a judgment against the appellant or appellants, for the costs created by the appeal. Or, if the report of said viewers shall be favorable to the petitioners, but shall materially vary from the order appealed from, the court shall, nevertheless, confirm the same, if the same be within the scope of

the petition and substantially legal ; and the court may, in such case require all the costs created by the appeal to be paid by the appellants, or by the petitioners, or a portion of them by the one party and the residue by the other, as may be equitable, and shall render a judgment or judgments, accordingly.

SEC. 7. If the report of the viewers, appointed by said court, shall be adverse to establishing, altering or vacating the road, the court shall, upon the motion of the petitioners, or any twelve of them, but not otherwise, order a review by five disinterested freeholders of the county, to be appointed by the court, to whom an order, similar to that hereinbefore prescribed in respect to viewers, shall be issued ; and such reviewers shall examine the proposed new road, or alteration, or road, or part thereof proposed to be vacated, as defined or referred to in the order appealed from, and report in writing to the court their opinions for or against the same, with their reasons. If their report shall be such as is mentioned in the first clause of the preceding section, the court shall proceed as directed in said clause. But if it be adverse to such new road, alteration or vacation, no further proceedings shall be had in the premises, except to render a judgment against the petitioners for all costs that shall have accrued from the commencement of the proceedings before the commissioners ; which judgment shall be rendered by said court.

When report of viewers is adverse.

SEC. 8. Whenever any viewer, reviewer or surveyor, appointed by said court, shall be unable, or fail to attend to the duty required of him, the court may substitute another in his stead.

When viewer fails to attend to duty.

SEC. 9. Every viewer, reviewer, surveyor, chainman or marker, appointed or selected under the provisions of this act, shall, before entering upon his duties, take an oath, or affirmation, faithfully and impartially to discharge the duties of his appointment ; which oath or affirmation may be administered by any person authorized by the act aforesaid to administer an oath, or affirmation, or by any other competent authority.

Oath of viewers, &c

SEC. 10. That every claimant of damages on account of the establishment or alteration of a county or township road, or the alteration of a state road, may appeal to the probate court, from the final decision of the county commissioners, or township trustees, confirming the assessment of damages made by the viewers in his behalf, or the refusal of the viewers to award damages to him ; which appeal shall be perfected and docketed in the mode hereinbefore prescribed in section four, except that the appellant shall be the plaintiff and the obligors in the bond mentioned in the second or thirty-first section of the act aforesaid, as the case may be,

Claimant of damages may appeal to probate court.

Joint appeal. shall be the defendants. Several claimants may unite in a joint appeal, although their claims be distinct, or they may severally appeal. Upon such an appeal, whether joint or several, the probate court shall confine itself to the question or questions of damages presented by it; and shall forthwith, after the docketing thereof, issue a venire for twelve or more disinterested men of the county, having the qualifications of jurors in other cases, to appear in said court on a day and at an hour named in the venire—which shall not be later than the twentieth day from its date—to serve as jurors upon the trial of said claim or claims; and shall also issue a summons, or notice, to all such appellants, whether joint or several, and to the obligors aforesaid, to attend at the same time and place; which summons or notice shall be served by delivering to each person named therein a copy thereof, or by leaving such copy at his usual place of abode. If any of the parties are non-residents of the county, but have an agent or attorney therein, service on such agent or attorney in manner aforesaid, shall be sufficient, or a summons or notice may be sent to another county for service upon any party residing or being therein. If an appellant is a non-resident as aforesaid, it shall be his duty, when he perfects his appeal, to leave with the probate judge the name of an agent or attorney in the county, upon whom service may be made as aforesaid, and if he fail to do so, no service upon him shall be necessary. Service upon a guardian shall be sufficient service upon his ward.

Jury. SEC. 11. If any of said jurors fail to attend, or shall for good cause be excused from serving, or shall be set aside on account of a challenge, the panel shall be filled with talismen as in other cases. Each party shall be entitled to two peremptory challenges, and may make any number of challenges for cause. In respect to challenges, the appellant or appellants whose claims are on trial, shall be considered as one party, and the obligors as the other. The jury shall consist of twelve men, and shall be sworn in all the causes, whether the appeals were joint or several, at the same time, unless for good cause shown the court shall otherwise direct. The jury shall then, under the care of an officer of the court, and with such person or persons as the court may appoint to show them the premises, and before any testimony shall be given, except the plat and field notes of the road and the title papers, if produced, of the claimants, which they shall take with them, proceed to examine the road as established or ordered, and the property of the several claimants taken therefor, or alleged to be injured thereby; and after making such examination shall return to the probate court at the time the court shall have appointed; whereupon the trial of said claims, in the order the court shall direct, or any

Duties of jury.

number or all of them at the same time if the parties so agree, shall be proceeded with in the same manner as in other jury trials in said court. The jury shall render a separate verdict upon each claim, which shall be entered upon the record of the court, and a new trial shall not be granted except for misconduct of the jury; nor shall an appeal, except by petition in error, as hereinafter provided, be taken to any other court.

Sec. 12. When an assessment for damages shall have been made, or refused, by viewers of a county or township road, or alteration of a state, county or township road, appointed by the probate court, any claimant may, before the confirmation of the viewers' report, file exceptions to their decision upon his claim, whether it was rejected altogether, or whether damages were awarded to him; whereupon such proceedings shall be had for a trial by jury, of his claim, and of any others thus presented, as are provided in the preceding section; and the provisions of said section shall, in all respects, apply to the same.

Exceptions to
decision of
viewers

Sec. 13. If, by the final decision in the probate court, any claimant of damages shall not obtain a greater sum than was awarded to him by the order of the commissioners or township trustees from which he appealed, he shall pay all costs created by his appeal, so far as the court can ascertain the same, and judgment shall be rendered against him for the same. In all cases not hereinbefore specially provided for, the court shall give such judgment or judgments, in respect to the costs, as may be equitable.

Costs

Sec. 14. All judgments hereinbefore provided for, shall be rendered in favor of the state, and may be enforced by execution issued by said probate court, of its own motion, or at the instance of any person entitled to any part thereof; and the money, when collected, shall be paid to the persons respectively entitled thereto.

Judgments
and execu-
tion.

Sec. 15. The probate judge shall make a record of all proceedings had in the probate court under the provisions of this act, including the reports and plats of viewers, reviewers and surveyors; and forthwith after the termination of proceedings upon an appeal, shall transmit to the county auditor, if the appeal was from the county commissioners, or to the township clerk, if it was from township trustees, all original papers received from him, and also a transcript, from the record aforesaid, of the proceedings upon such appeal.

Record of
proceedings.

Return of
papers.

Sec. 16. If it shall appear by the transcript so transmitted to the county auditor, that the court has approved the establishing, altering, or vacating a road as mentioned in the fifth or sixth section of this act, and that the damages, if assessed in or under the orders of said court, do not, in the aggregate, exceed the amount assessed, approved and or-

Auditor's
record.

Damages.

dered to be paid out of the county treasury, before the appeal, the auditor shall forthwith record, in the proper book, the final decision of said court in the premises, with all reports, plats, field notes, or other matters appearing in said township necessary to a right understanding of the same, and note in said book the date of such recording, and thenceforth the said road shall be established, vacated or altered, as the case may be; and he shall issue the necessary orders for the payment of the damages. But if the damages so assessed exceed, in the aggregate, the amount ordered to be paid out of the county treasury as aforesaid, the auditor shall lay said papers and transcript before the county commissioners at their next session, who may thereupon establish such road or alteration, and order the damages to be paid out of the county treasury, or refuse to establish the same unless the damages, or such portion thereof as they shall require, be paid, within such time as they shall designate by the petitioners.

Same.

Sec. 17. If the appeal from the county commissioners was under the tenth section of this act, and the damages assessed in that court in favor of all the appellants, shall not, together with the damages awarded to claimants who did not appeal, exceed the amount which the commissioners had, before the appeal, ordered to be paid out of the county treasury, the auditor shall issue the necessary orders for the payment of all said damages; and the road, or alteration, shall be considered as established from the date of the final order in the probate court. But if the assessments in the probate court, with the damages awarded to claimants not appealing, shall exceed the amount so ordered to be paid out of the county treasury by the commissioners, the auditor shall lay the papers and transcripts, received from the probate judge, before the commissioners at their next session and they shall act upon the same as in the case mentioned in the preceding section: provided, however, that it shall be lawful for the commissioners, if, in their opinion, a part only of a road will be of public utility, to record and establish such useful part, and reject the residue: provided such division can be made without affecting the rights of any person entitled to damages.

Order of township trustees.

Sec. 18. The township clerk receiving a transcript from the probate judge as aforesaid, shall lay it before the township trustees, and they shall make an order in conformity with the decision of the probate court

Township roads declared public highways.

Sec. 19. All township roads heretofore or hereafter established, are hereby declared to be public highways; but nothing herein shall be construed to require them to be established or altered at the public expense, or to be kept in

repair at the public expense, further than is provided by the act to which this is an amendment.

Sec. 20. The final decision of the probate court made under the provisions of this act, or the act to which this is an amendment, may be reviewed, upon a petition in error, by the court of common pleas of the proper county; but shall not be reversed for any defect in form if found to be substantially correct. Upon a reversal, the court of common pleas shall have power to award a writ of procedendo, when deemed necessary.

Error to common pleas.

Sec. 21. For their services required by this act, or the act to which this is an amendment, the officers therein mentioned or referred to, shall each be entitled to the same fees as they are entitled to by law for like services in other cases. The person or persons appointed to show premises to a jury as provided in the eleventh section of this act, shall receive such compensation, to be taxed in the cost bill, as the court shall direct.

Fees.

Sec. 22. That section two of the act to which this is amendatory, be so amended as to read as follows: Sec. 2. That all applications for laying out, altering or vacating any county road, or for altering or vacating any state road within the county, shall be by petition to the county commissioners, signed by at least twelve free holders of the county, residing in the vicinity where said road is to be laid out, viewed, reviewed, altered or vacated, and one or more of the signers to any petition presented as aforesaid, shall enter into bond with sufficient security, payable to the state of Ohio for the use of the county, conditioned that the person or persons making such application shall pay into the treasury of the county the amount of all costs and expenses accruing thereon in case the prayer of said petitioners shall not be granted, or when the proceedings had in pursuance thereof shall not be finally confirmed and established, and on neglect or refusal of the persons so bound, after a liability shall have accrued, the auditor of the county shall deliver such bond to the prosecuting attorney, whose duty it shall be to collect and pay over the same to the county treasurer, and in all cases of contest the court having jurisdiction of the case shall have full power to render judgment for costs according to justice between the parties.

Sec. amended.

Petition.

Sec. 23. That the third section of said act be and is hereby so amended as to read as follows: SECTION 3. That all petitions for laying out, vacating or altering any county road, or altering or vacating any state road within the county shall specify the place of beginning the intermediate points, if any, and the place of termination of said road or part proposed to be altered or vacated.

Same.

Sections re-
pealed.

SEC. 24. The second, third, eighteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth sections of the act to which this is an amendment are hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Providing for the appointment of officers of the Ohio Penitentiary, fixing their compensations, prescribing their duties, and determining the manner of working convicts.

Directors of
penitentiary,
appointment
and term of
office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, five directors of the Ohio Penitentiary—two of whom only shall reside in the city of Columbus, and one other of whom shall reside within fifty miles of the city of Columbus, and one of whom shall hold his office for the term of two years, two for the term of four years, and two for the term of six years, and until their successors are chosen and qualified; but no person shall be eligible to the office of director who is a contractor in the penitentiary, or who is interested, either directly or indirectly, in any branch of business carried on in said institution; and should any director become so interested during his term of office, it shall be good cause for his removal; and upon information given of such fact, or for other cause which in the opinion of the governor is sufficient, the governor is hereby authorized and required to remove such director; which removal and the reasons therefor, he shall cause to be entered upon the journals of the penitentiary, and shall report the same to the next session of the General Assembly. The said directors first appointed shall hold their office according to the rotation in which their names are presented to the Senate. The first named for two years, the two next for four years, and the two others for six years—and all subsequent appointments shall be for the term of six years—each of whom before entering upon the duties of his office, shall take and subscribe an oath or affirmation, to support the constitution of the United States

and of the State of Ohio, and to faithfully and diligently discharge the duties of such director. In case of a vacancy by death, resignation or otherwise, the same shall be filled by the governor until the next meeting of the General Assembly. Said directors to receive three dollars per diem for the time actually employed in the discharge of their duties, and actual traveling expenses, to be paid out of the treasury of the state on the certificate of the warden that said services have been performed.

SEC. 2. At the first meeting of the board of directors under this act, they shall choose one of their number as president of the board, who shall hold his office for two years, and after the expiration of the term for which he was so elected, the board of directors shall again elect one of their number as president, and biennially thereafter. The three directors who reside in or near the city of Columbus, shall constitute a board of inspectors whose especial duty it shall be to visit the institution, together, every two weeks; when they shall examine the workshops, cells, rooms and the books, and vouchers of the warden, and enter the result of their investigations in a book called a journal, to be provided for that purpose. It shall also be the duty of the inspectors to hear and examine into any complaints of any of the prisoners and to give the warden such counsel and instruction as they may deem proper. It shall also be the duty of the inspectors, or any number of them, to repair to the prison in any emergency when called upon by the warden, and to render him such aid and support as they may think needful. It shall be the duty of all the directors to meet at the office of the penitentiary once in three months, to make a quarterly settlement of the accounts of the warden, and inspect the various departments and shops of the institution and record the result of their investigations in the journal, signed by each member present if all shall be agreed. If otherwise, the opinions of the dissenting members shall go on record.

SEC. 3. The directors shall appoint a warden, who shall hold his office for the term of two years unless sooner removed by the directors; but in case of removal the reasons therefor shall be entered on the journal of the institution. The warden shall take an oath or affirmation faithfully to discharge the duties of his office, and give bond to the State of Ohio in the sum of ten thousand dollars, with at least two good and sufficient freehold sureties to be approved by the directors; conditioned for the faithful performance of the duties which are hereby or which may, from time to time, by law, be required of him, which said bonds shall be deposited with the treasurer of state. The warden, by and with the advice and consent of the directors, shall have power to appoint a deputy warden, clerk, and such number of assis-

President.

Board of inspectors.

Settlement of accounts.

Warden.

Oath and bond.

Assistants.

tant keepers as the directors may deem necessary; all of whom shall be men of good moral character, and shall take an oath or affirmation faithfully to discharge their duties and give bonds to the State of Ohio: the clerk and deputy warden in the sum of three thousand dollars each, and the assistant keepers in the sum of five hundred dollars each, with security to be approved by the directors, which bonds shall be deposited with the treasurer of state. The securities to be given by the warden, the deputy warden and clerk, shall be persons other than contractors, or in any manner interested in the business carried on in the prison. All the above officers shall be subject to such by-laws and rules as may be prescribed by the directors for the government of the prison. The directors shall also appoint a physician who shall reside near the penitentiary, and whose duty it shall be to attend to all cases of sickness among the convicts, visit the prison at least once each day, and have a general sanitary oversight of the prison; and shall communicate to the directors at each general meeting on the general character of the health of the prisoners during the preceding three months, with such suggestions in regard thereto as he may deem necessary—which communications shall be entered on the journal. The physician shall receive for his services a sum not exceeding seven hundred dollars per annum.

Physician.

Salaries of officers.

Sec. 4. The warden shall receive an annual compensation for his services not exceeding twelve hundred dollars to be fixed by the board of directors. The clerk shall receive an annual compensation for his services not exceeding eight hundred dollars. The deputy warden shall receive an annual compensation for his services not exceeding seven hundred dollars. And each assistant keeper employed shall receive a compensation not exceeding forty dollars per month, except those assistant keepers who have the immediate charge of the prisoners in the workshops and kitchen; also the night watch, who may receive forty-five dollars per month to be determined by the directors. That no person so employed shall be entitled to or shall be permitted to receive any perquisites in the shape of board or provisions, carriage or horses, or care or maintenance of the same, either for themselves or families—or shall be permitted to receive any compensation or reward of any description from contractors. And if any person so employed shall receive any compensation or reward of any description, from any contractor, to promote the interest or advantage of such contractor; or shall make use of any property or any description belonging to the penitentiary, for their own private purposes unless the same shall have first been paid for or charged on the regular books in the office of the institution at a price agreed on with the warden and directors, such person shall be deemed guilty of a misdemeanor, and upon con-

No perquisites allowed.

Penalty for receiving reward from contractors.

viction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from his office. And if any officer procure the escape of any convict, or connive at, or aid or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall, upon conviction thereof, be sentenced to hard labor in the penitentiary for any term not less than one nor more than three years.

Assisting to escape.

Sec. 5. It shall be the duty of the directors to appoint a chaplain of the Ohio Penitentiary, who shall hold his office during the pleasure of the directors, who shall receive an annual salary of eight hundred dollars, to be paid quarterly out of the visitors' fund on the order of the directors. The chaplain shall be a regularly ordained minister of the Gospel, in good standing in some one of the denominations of this state, who shall be competent to teach the rudiments of an English education, and who shall reside near the penitentiary, and devote his whole time and ability to the interest of the convicts confined therein; and shall, in addition to his clerical services, teach such of the convicts as the warden may send to him for that purpose, the art of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution; and if it shall be found necessary for the purposes of instruction of prisoners, the chaplain may, with the consent of the directors, appoint an assistant, who shall be paid not more than three hundred dollars per annum out of the visitors' fund, on the order of the directors.

Chaplain.

Sec. 6. It shall be the duty of the warden and directors to make such arrangements with the contractors who now have contracts for convict labor, and so to make all future contracts as will permit the convicts to have a certain amount of labor allotted them each day for a day's work, and the time so gained, after the performance of the task, may be occupied in attending the prison school or in labor for the contractor at the same rate the contractor pays the state for the same work; and if any convict, who shall have so made overwork, shall for any cause be unable to make full work on any other day or days, no deduction shall be made from his overwork earnings on that account. The money so earned shall be collected by the warden for the convict the same as money due the institution from the contractors (with the exception of the allowance of any credit,) and the warden shall permit the convict to send the amount so earned to his family or near relatives, or retain it in the office of the institution for the use of the convict when his term expires; and in case the warden is dismissed, or dies, or resigns before the expiration of the sentence of the convict who may

Tasks of convicts.

Overwork.

Warden to account for money rec'd. for overwork

have funds in his hands, he shall account for the amount the same as the other funds of the institution in his possession. And an accurate and detailed account of all such moneys received, from whom, the time when, the amount received, and to whom payable, shall be kept by the said warden in a book provided for that purpose, and shall also enter and sign the same monthly in a pass-book which the prisoner may keep for that purpose.

Classification
of convicts.

SEC. 7. The warden is hereby authorized and required, so far as practicable with existing contracts (and all contracts hereafter made shall so provide,) to classify the convicts according to their age, disposition, and moral character; placing all young men under the age of twenty-one years (unless the character and conduct of some forbid it,) in a shop by themselves, and give them such work carried on in the prison, as a knowledge of which shall be most beneficial to them when discharged. And it shall be the duty of the

Instruction.

warden to send to the school room for instruction during three of the working hours of each day, at such time as he may think best calculated to promote the interests of the institution, and at such additional time, other than working hours, as he may see fit, every such convict under the age of twenty-one years, as does not possess a good knowledge of reading, writing, and arithmetic, at which time the chaplain or his assistant shall instruct them in those branches of education; and every convict over the age of twenty-one years who can not read and write, shall be sent to the school room during one working hour each day for instruction, and such additional time, other than working hours as the warden may see fit. The warden shall also furnish to each prisoner sufficient light to enable him to read, from the time he is shut up in the evening, until the ringing of the bell for going to bed; unless the warden has good cause to believe that a convict is making an improper use thereof, in which case he shall not be so furnished, and the fact, together with the cause, and name of the convict, shall be reported in writing to the inspectors at their next visit to the prison.

Warden's
duties.

SEC. 8. The warden shall attend to the purchasing of all articles for the institution, clothing, provisions, medicines, materials for building or repairs, or raw material to be manufactured in the penitentiary, shall have in charge the whole operations of the institution, and shall be its executive officer.

Statement of
contracts.

SEC. 9. The warden of the penitentiary shall, within five days after the close of each month, file with the auditor of state a certified statement, in which shall be set forth the names of the several contractors for prison labor the amount due from each at the close of the preceding month, and the particular class of labor upon which said contract was based; and upon receiving such certified statement the auditor shall

forthwith issue to the treasurer of state his draft on the several persons from whom such money is due, and the treasurer of state shall cause the same to be immediately presented and paid.

SEC. 10. All moneys due the institution arising from sources other than those specified in the next preceding section, shall be paid to the warden, who shall pay over the same to the treasurer of state at the close of each month, and such moneys shall be certified into the treasury in the same manner as other moneys are certified into the treasury. A full and detailed statement of all such moneys received and paid over to the treasurer of state, shall be made out by the warden at the close of each month of the year; such statement shall set forth the several amounts received, from whom, at what time, and on what account, and shall be immediately deposited with the auditor of state.

Statement of
other moneys
due.

SEC. 11. All accounts for claims against the penitentiary for salaries, provisions, clothing, medicines, repairs, buildings, fuel, &c., shall be certified by the warden, countersigned by the clerk, and endorsed on the back, "approved," by at least three of the directors, and presented to the auditor of state, who shall examine and adjust the same, and if found correct shall issue bills payable at the state treasury for the sums which shall be found due, specifying in each bill the date of its issue, the name of the person to whom payable, and the appropriation from which it is to be paid.

Claims
against peni-
tentiary.

SEC. 12. All contracts for provisions, clothing, medicines, forage, fuel, building or repairs, where the amount shall exceed two hundred dollars, shall be given to the lowest bidder. No bid herein authorized shall be received, or contract made in pursuance thereof, unless the same be reasonable, and not greater than the usual market value and price. So far as possible, the letting of contracts shall be let out as herein provided for, but no other contracts shall be let to run more than six months, nor shall any contract be valid unless approved by the auditor of state and attorney general. Notice of the time and place of letting each contract shall be given for at least two consecutive weeks in two daily newspapers published in the city of Columbus, and also in one weekly paper published in each of the counties adjoining the county of Franklin, and in such other papers as the warden may deem expedient; and when any two bids may be equal, the warden may select any one of them, as the person to whom he shall give the contract; and each contractor shall give bond and security to the satisfaction of the directors, for the faithful performance of his contract. Provided, no contract shall be given or purchase shall be made wherein either of the directors or officers of the institution is interested.

Letting of
contracts for
provisions, &c.

Contracts for
convict labor.

SEC. 13. Convicts may be hired in any number not exceeding fifty in one contract for any term not exceeding five years in one contract, in such manner as the directors, in their judgment, may consider to be most conducive to the interests of the state. All contracts for working convicts shall be given to the highest reputable bidder; of the letting of which the directors shall give at least six week's notice in two daily newspapers published in the city of Columbus, and one in each of the cities of Cincinnati and Cleveland; and all contractors shall be required by the directors to give security to the state for the faithful performance of their contracts, in such amounts as the directors in their judgment may think proper and right. In allotting convicts whose labor is thus contracted for, the warden shall do it in such manner as he shall consider will give the convict such knowledge of any mechanical art as will be most conducive to his interest after his discharge.

Director's to
inspect ac-
count, regu-
late prison
and report.

SEC. 14. The directors shall, in company, every three months, inspect the warden's accounts, the different department of the prison, and the condition of the prisoners, and shall have power to regulate and fix the appointment, duties and salary of all officers or agents of the penitentiary, not otherwise provided for by law, and shall annually on or before the 15th day of November, submit to the governor of the state a report of the condition of the prison, together with suggestions as to the improvements that may to them appear necessary.

Beds and bed-
ding of con-
victs.

Clothing.

Food.

SEC. 15. It shall be the duty of the warden to provide all convicts with a clean straw bed, and sufficiency of covering at all times to protect them from the inclemency of the season, and also with garments of a coarse material suited to and sufficient for the season; and he shall feed them with a sufficiency of coarse but wholesome food; giving to each adult prisoner not less than one pound of clear beef, pork or other meat each day, a portion of which shall be given at each of the meals of breakfast and dinner, with a sufficiency of vegetables and bread, and for one meal coarse wheat bread, and another rye bread, each day, with such an alternation of food as in the opinion of the physician of the penitentiary shall be most conducive to the health of the prisoners. And all convicts shall, so far as may be consistent with their age, sex, and ability, be kept at hard labor in such manner as the warden shall deem most proper and advantageous to the state, not inconsistent with this act, and under such rules and regulations as the directors may from time to time prescribe. And it shall be the duty of the warden, when, in his opinion, it shall be necessary, to employ suitable persons to instruct the prisoners in any work in which they may be employed; and the said prisoners shall be at all

Labor.

Instruction in
work.

times kept as much as possible separate and with as little intercourse with each other as the nature of their employments will permit. And during such part of the time of his or her confinement as the court before whom such conviction may be had, shall direct to be in the solitary cells, such prisoner shall be confined in the solitary cells at such intervals, and in such manner as the warden may deem proper. And one or more guards shall patrol said penitentiary at least twice in every hour during the night, until the hour of labor on the succeeding morning.

Cells.

Patrol.

SEC. 16. It shall not be lawful for the warden or other officers of the penitentiary, to inflict any chastisement or stripes upon any prisoner, nor shall it be lawful for any officer to strike with a stick or otherwise, or kick any prisoner, except the same be done in self-defence, or may be necessary to enforce submission and obedience to the lawful commands of the officer. But all the officers of the penitentiary shall demean themselves in as kind, humane and forbearing manner toward the prisoners as is consistent with the enforcement of a strict discipline and submission of the prisoners. It shall not be lawful to make use of a shower bath, in the punishment of a convict, but it shall be lawful to punish prisoners for infraction of the discipline, by solitary confinement in dark cells, and by deprivation of food other than bread and water, and any officer who shall violate any of the provisions of this act, shall be discharged from his office at the discretion of the directors. Rules for the government of the prison shall be enacted by the directors, which shall be printed in the language of the convict and posted in each cell and otherwise published, so that each prisoner shall know them.

Government
and chastise-
ment of con-
victs.

SEC. 17. It shall be the duty of the deputy warden to keep a book in which shall be entered a record of every infraction of the published rules of discipline, with the name of the prisoner so guilty, which record shall be submitted to the directors, at the end of each month; and every prisoner who shall have been sentenced for a term of years, who shall at the end of the month have no infraction of the discipline so recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the next month no infraction of the discipline is recorded against him, he shall be entitled to two additional days diminution from his sentence; and if he shall continue to have no such record against him a third month, his time shall be shortened three days additional diminution; and if he shall so continue for subsequent months, he shall be entitled to four days diminution of time from his sentence for each month

Discipline
book.

Reward.

Restoration to
citizenship.

he shall so continue in his good behaviour; and if any prisoner shall so pass the whole term of his sentence, or the remainder of his term of sentence after this act shall take effect, he shall be entitled to a certificate thereof from the warden, and upon presentation thereof to the governor, he shall be entitled to a restoration of all rights of citizenship, which may have been forfeited by his conviction; and it shall be the duty of the warden to discharge such convict from the penitentiary when he shall have served the time of his sentence, less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made; provided, that if such convict shall be guilty of a violation of the printed and published rules of the prison, after he shall, as provided in this section, have become entitled to a diminution of his term of service to which he has been sentenced, the directors shall have the power to deprive, at their discretion, such convict of a portion or all (according to the flagrancy of such violation of discipline) of the diminution of the term of sentence, to which he had previously been by this act entitled.

Laws, rules
and regula-
tions.

SEC. 18. The directors and warden of the penitentiary shall, from time to time, establish by-laws, rules and regulations for the discipline and government thereof, and the warden, for himself and assistants, shall be held responsible for the observance and enforcement of such by-laws, rules and regulations: Provided, always, that such by-laws, rules and regulations shall not be contrary to law; and the directors shall submit such by-laws, rules and regulations, to the legislature at each session thereof; and provided, always, that nothing in this act shall be so construed as to prevent officers of the Ohio penitentiary from holding their respective offices until their successors in office shall be appointed and qualified.

Hospital.

SEC. 19. The hospital of the penitentiary shall, under such conditions as the directors, warden and physician may provide, be accessible to the professors and students of Starling Medical College, and other physicians of Columbus, once a week, during the annual college terms, for clinical instruction, provided that no convict shall be subjected by such professors to any involuntary examination or surgical operation.

Copy of by-
laws.

SEC. 20. That a pamphlet copy of this act, including a copy of the by-laws, rules and regulations, shall be furnished by the warden to each convict who can read.

Act repealed.

SEC. 21. The act providing for the appointment of officers of the Ohio penitentiary and other purposes, passed April 26, 1854, and also the fifth section of the act making provisions for carrying into effect the acts for the punishment of

crime, passed February 26, 1835, be, and the same are hereby repealed. This act to take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend the act entitled "an act defining the jurisdiction and regulating the practice of the probate courts," passed March 14, 1853. Curwen's R. S. 2049.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the forty-eighth section of an act entitled an act defining the jurisdiction and regulating the practice of probate courts, passed March 14, 1853, be amended so as to read as follows: Section 48. In the exercise of its criminal jurisdiction, the probate court shall hold terms of said court on the first Monday of each of the following months, to wit: February, April, June, August, October and December, being six terms in each year. Sec. amended.

SEC. 2. That original section forty-eight of the act aforesaid, be, and the same is hereby repealed. Sec. repealed.

SEC. 3. That this act shall take effect from and after the first day of May next. In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 11, 1856.

AN ACT

Supplementary to an act entitled "an act to authorize free banking in Ohio," passed March 21, 1851. Curwen's R. S. 1609.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any company formed for the purpose of banking under the provisions of an act entitled "an act to authorize free banking," passed March 21, 1851, shall Exchange of stock of certain states for circulating notes.

lawfully transfer to the auditor of state any portion of the public stock or certificates of the funded debt issued, or to be issued, by any one or more of the following states, to wit: Massachusetts, New York, Pennsylvania, Maryland, Kentucky, Indiana, Illinois and Michigan, to an amount in value (to be ascertained as hereinafter provided) not exceeding fifty per centum of the stocks or certificates of the funded debt of the United States and of the State of Ohio, transferred to said auditor of state, by such bank, and remaining with him, as provided in the seventh section of said act, such company shall be entitled to receive from said auditor an equal amount in value of circulating notes of different denominations, registered and countersigned as provided in said act; but no such stock or certificate of funded debt shall be received by said auditor at a rate or price above the market value thereof, at the time of receiving the same, or above the average selling price of such stock or certificate at the New York stock exchange, for the four weeks next preceding the time of the receipt thereof by the auditor, exclusive of interest then accrued thereon, or above its par value; nor shall the stock or certificates of the funded debt of any state not regularly paying the interest on such stock or debt, semi-annually, be received by said auditor.

Stock transferred to remain with auditor of state.

Sec. 2. The stock and certificates so transferred, shall remain in the possession of the auditor of state, and he shall have all the powers in respect to the same, and the interest thereon, as is provided in said act, in relation to the stock of the United States and of this state; and in case coupon bonds or certificates be transferred as aforesaid, the auditor shall deliver the coupons, as they fall due, to the proper bank, when such bank shall be entitled to receive the interest on bonds and certificates so transferred.

Provisos.

Sec. 3. This act shall not be construed to authorize any bank to receive or issue a greater amount of circulating notes than is authorized by the act to which this is supplementary.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

To amend an act entitled "an act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853.

Ourwen's R.S.
2041.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in counties in this state where the probate judges have jurisdiction of certain crimes and offences, it shall not be lawful for said judges to quash any information filed by the prosecuting attorneys, because of any defect or error in the papers or proceeding of any justice of the peace or mayor, before whom the original examination in the case was had. Provided, that no information shall be filed by such prosecuting attorney before such judge for any offence not specified in the transcript from the docket of such justice of the peace or mayor.

Informations
shall not be
quashed for
error in
original ex-
amination.

Sec. 2. The prosecuting attorney of any such county may file his information originally in the probate court without a preliminary hearing before an examining court, upon the proper affidavits being filed therein, and the judge shall issue his warrant for the arrest of the defendant, who, when arrested, shall be taken before said judge and thereupon to be recognized to appear at the next term of said court, or in default thereof to be committed to the jail of the proper county. This act to be in force from and after its passage.

Original ju-
risdiction.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

Supplementary to an act entitled "an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

Ourwen's R.S.
1877.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any number of persons, as provided in the first section of the said act, associate to form a sewerage company for the purpose of draining the streets, alleys, lots, commons, wharves, landings, or buildings of any city, town or village of this state, they shall, under their hands and seals, make out a certificate, which shall specify as follows: The name of said company, and by which it

Sewerage
companies.

shall be known—the object for which said company shall be formed—the amount of the capital stock of such company—the number of shares of which said stock shall consist, and the names of the city, town or village, and the county in which the operations of said company are to be carried on. Said certificate shall be acknowledged, certified, and forwarded to the secretary of state, and recorded and copied in the same manner as is provided in the second section of this act.

When provisions are complied with.

SEC. 2. That when the foregoing provisions have been complied with, the persons named as corporators in said certificate, are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of the said act and of this supplementary act; and by the name and style provided in such certificate shall be deemed a body corporate with succession, and they and their associates to have the same general corporate powers as is provided in the third section of the act to which this is supplementary, and shall be subject to all the restrictions hereinafter provided.

Election of directors.

SEC. 3. That whenever twenty per centum of the capital stock of such company shall be subscribed and paid in, said corporators, or any of them, shall in some newspaper published in the county in which said company is situate, give notice of the time and place for holding a meeting for the election of five directors, and the election shall be made by the stockholders attending for such purpose, either personally or by proxy; and each share of capital stock shall be entitled to one vote; said election to be superintended by one or more of said corporators designated for that purpose by those in attendance, and in case of failure, to hold an election at the time specified, the corporation shall not, on that account, be dissolved, but may proceed at another time to hold an election, due notice being given as above expressed.

Annual meetings of stockholders.

SEC. 4. There shall [be] annual meetings of the stockholders at a place and time designated by said directors, for the purpose of electing five directors, who shall hold their office until the next annual election, and until their successors, are duly chosen and qualified. The powers of said corporation shall be exercised, and its business managed by said directors, who shall be stockholders in said company.

Powers of directors.

SEC. 5. The board of directors of said company shall have power to prescribe the duties and establish the compensation of the several agents, engineers, artists and workmen in the employ of said company; to establish such rules and regulations, and make such by-laws not inconsistent with the [laws] of the state and United States, as in their judgment shall be necessary for the efficient prosecution of the objects of this incorporation; have full power to construct and maintain sewers and drains, and to lay any conductors

or pipe for conveying water and other liquid matters from the lots, houses, and streets through and under the streets, sidewalks, public highways, alleys, commons, wharves or landings of any city, town or village of this state; and upon application by said company, the city council of any city, or the trustees of any incorporated village may, in their discretion grant to any company duly organized according to the terms of this act the privilege of exercising the corporate powers conferred by this act within the limits of said city or village, for such term or terms of years, and upon such conditions and limitations as shall be deemed expedient, and at the expiration of any such term or terms, said municipal corporations shall purchase from said company their property consisting of sewers, drains and pipes, actually laid and constructed with the appurtenances thereunto, and such materials and fixtures appertaining to the same on hand at the time of the expiration of said term, at a price not exceeding the actual cost thereof, unless a renewal of the privileges herein granted, be extended to said company by said city council or trustees of any incorporated village, and whenever said municipal corporation refuse or fail to extend upon petition of said company, the rights and privileges herein above expressed, the said municipal corporations shall purchase the sewers, drains and appurtenances thereunto belonging, of the said company at a price not exceeding the actual cost of the same, for the use and benefit of said city or incorporated village, and said city council or trustees of any incorporated village may require from said company such reasonable security as they may deem necessary for the faithful performance of the duties imposed on said company by this act. Provided that no grant shall be made to any company and no power or privilege shall be conferred upon or exercised by it under this act which shall interfere with the rights of any other person or corporation, and that no person shall be taxed without his consent for any drainage or sewerage constructed by said company, and said company shall be liable for all damages occasioned by its acts, neglects or defaults to the rights of other persons and corporations.

Purchase of property by council or trustees.

Sec. 6. The city council of any city, or the trustees of any incorporated village, in which any company shall be organized under this act, are authorized to contract with any such corporation for the construction and use of such sewers or drains for draining the streets, alleys, lots, commons, wharves or grounds within their corporate limits, and said municipal corporation shall not use said sewers or drains in any manner, except by and with the consent of said company, and in the manner and upon the terms and conditions which may be mutually agreed upon by said company and said municipal corporations.

Municipal corporations may contract with sewerage companies.

Company may
prescribe
terms of use.

SEC. 7. Said company shall have power to prescribe the terms upon which owners and occupants of houses or lots may obtain the use of said sewers and drains for private purposes, and also, the rate of charge annually, for the same, and also, for which said municipal corporations may use said sewers and drains for public purposes.

Proviso.

SEC. 8. Nothing in this act shall be construed as to prevent any city or incorporated village from constructing any sewers, or establishing and maintaining a system of sewerage under the direction and by the authority of the municipal authorities thereof, not interfering, however with the works of said company.

In force.

SEC. 9. This act to be in force from its passage.

N. H. VAN VORHES.

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

Curwen's R.
S., 1666.

Further to amend an act entitled "an act to prevent nuisances," passed February 28, 1831, and to repeal the act passed March 25, 1851, entitled "an act further to amend an act entitled an act to prevent nuisances," passed February 28, 1831.

Houses of ill
fame held as
public nuis-
ances.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every house or building situate within this state, used or occupied as a house of ill fame, or for the purposes of prostitution, shall be held and deemed a public nuisance; and any person owning, or having the control of, as guardian, lessee, or otherwise, such house or building, and knowingly leasing or sub-letting the same in whole or in part, for the purpose of keeping therein a house of ill fame, or knowingly permitting the same to be used or occupied for such purpose, or using or occupying the same for such purpose, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or imprisonment for a term not less than thirty days, nor more than six months, or both, at the discretion of the court.

Owner may
avoid lease.

SEC. 2. That the use or occupation by the lessee or tenant of any house or building, or any part thereof, for the purposes prohibited in the first section of this act, shall be held by the courts of this state, good cause on the part of the owner or lessor to avoid the agreement of lease or renting,

and to re-enter at any time and take possession of such house or building.

SEC. 3. That the act passed March 25, 1851, entitled *Act repealed.* "an act further to amend an act entitled an act to prevent nuisances," passed February 28, 1831, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

To protect agricultural fairs, and fair grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any justice of the peace, on the application of any of the officers of any state, county, township or any independent agricultural societies, or industrial associations, to appoint a suitable number of special constables, to assist in keeping the peace during the time when such society shall be holding their annual fairs, and make an entry in his docket of the number and names of all such as he shall appoint. *Special constables at agricultural fairs.*

SEC. 2. All such constables so appointed shall have all the power of constables to suppress riots, disturbances and breaches of the peace; they may, upon view, arrest any person or persons who may be guilty of violating any of the laws of the state, may pursue and arrest any person fleeing from justice in any part of the state; to apprehend any and all persons in the act of committing any offence against the laws thereof, and may, upon reasonable information, supported by affidavit, procure process for the arrest of any person or persons who may be charged with a breach of the peace, and forthwith bring such person or persons before the competent authority, and enforce all the laws for the preservation of good order. *Powers and duties.*

SEC. 3. No person shall be allowed to keep any shop, booth, tent, wagon, or other carriage, vessel or boat, or any stand or table for the sale of any spirituous or other liquors, or sell or expose to sell, give, barter or otherwise dispose of, in or near such shop, booth, tent, wagon or other carriage, vessel, boat, stand or table, or in any other way or place, *Sale of liquors at fairs.*

any spirituous or other liquors, at or within the distance of two miles from the place where any such agricultural fairs are held.

Penalty.

SEC. 4. That any person or persons who shall be guilty of a breach of this act, and shall be notified by any one of the officers authorized to make an arrest or seizure, or by any other person that he, she, or they are violating the law; and if, after such notice, such person shall continue in such violation, he, she, or they shall forfeit and pay for such offence, a fine of not less than five nor more than fifty dollars, to be paid over to the treasury of such agricultural society where the offence was committed; and any judge of the court, sheriff, coroner, justice of the peace of the proper county, or any constable of the proper township, or the constables especially appointed, shall, upon view or information, without warrant, apprehend any person so offending, and seize such booth, tent or wagon, or other carriage, stand, vessel or boat selling spirituous or other liquors, and convey the same to a place of safe keeping, and take the person so offending before some officer having competent jurisdiction, together with an inventory of the things so seized, and the officer before whom such alleged offender shall be brought, shall proceed forthwith to inquire into the truth of the accusation, and if true, shall enforce the penalties of this act.

Same.

SEC. 5. If the accused shall fail to pay such fines as shall be assessed, together with all of the costs of proceedings, including the necessary expenses of such seizure, the said officer before whom such offender was tried, shall forthwith issue a venditioni exponas, commanding any constable of the township in which such inquiry shall be held, to make the fine and costs, necessary expenses, and costs of execution by sale of so much of the property as shall be necessary therefor, and make return thereof within ten days thereafter.

Same.

SEC. 6. That in the execution of the venditioni exponas, the said constable, at least ten days before the sale, shall advertise the property to be sold at two of the most public places of the township where the same is to be sold, at one of which places, to be designated in the notice, between the hours of ten o'clock, A. M., and four o'clock, P. M., said sale shall be held; said constable first selling or offering for sale the articles which the offender brought on to the ground for traffic, and the overplus of the property so seized as aforesaid, after the satisfaction of said venditioni exponas shall be delivered to the defendant on demand; but if he shall fail to demand the same for ten days after such sale, the same shall become forfeited to the said agricultural society, and if the property so seized shall be found insufficient to satisfy said venditioni exponas and costs of execution, said justice of the peace shall, at any time thereafter, on request of the

treasurer of said society, issue a fieri facias to collect the balance thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

To authorize the consolidation of railroad companies in this state with railroad companies of states adjoining, in certain cases, and to authorize railroad companies in this state to extend their roads into adjoining states.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any railroad company in this state, organized under the general or any special law, or which may hereafter be organized in this state, and whose line of road shall be made or in the process of construction to the boundary line of the state, or to any point either in or out of this state, to consolidate its capital stock with the capital stock of any railroad in an adjoining state, the line of whose road has been made or is in process of construction to the same point, and where the several roads so unite as to form a continuous line for the passage of cars : Provided, That roads running to the bank of any river which is not bridged shall be held to be continuous under this act.

Railroads in this state may consolidate their stock with railroads in adjoining states.

SEC. 2. That said consolidation shall be made under the conditions and restrictions following—that is to say,

Conditions and restrictions.

First. The directors of the several corporations may enter into a joint agreement under the corporate seal of each company for the consolidation of said companies, and prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors and other officers thereof, and their place of residence; the number of shares of the capital stock; the amount of each share; and the manner of converting the capital stock of each of the said companies into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies.

Agreement.

Second. Said agreement shall be submitted to the stockholders of each of the said companies, at a meeting thereof, called separately for the purpose of taking the same into consideration, due notice of the time and place of holding such meeting, and the object thereof, shall be given by

Submission to stockholders.

written or printed notices, addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and also by a like notice published in some newspaper in the city or town where such company has its principal office or place of business. And at the said meeting of stockholders the agreement of the said directors shall be considered, and a vote, by ballot, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the ballots shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of each of said companies, and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the secretary of state, and shall be deemed and taken to be the agreement and act of consolidation of said companies. And a copy of said agreement and act of consolidation duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of said corporation.

To become
one corpora-
tion.

Sec. 3. Upon the making and perfecting the agreement and act as provided in the preceding section, and filing the same or a copy with the secretary of state, the several corporations, parties thereto, shall be deemed and taken to be one corporation, possessing within this state all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of such corporation of this state so consolidated.

Election of
directors.

Sec. 4. It shall be the duty of the stockholders, at the meeting called to take into consideration said agreement as hereinbefore provided, after the adoption of the same, to appoint a time and place for the election of the directors and other officers of the new corporation, which may be provided for in said agreement, notice whereof shall be given by the secretary of each of said companies, in some newspaper printed at the place of the principal office of each of said companies of the time and place of said election, at least three weeks previous thereto, which election shall be conducted in the manner that may be prescribed by said meeting of stockholders.

Transfer of
property and
franchises.

Sec. 5. Upon the election of the first board of directors of the corporation created by said agreement of consolidation, and by the provisions of this act, all and singular the rights, privileges and franchises, of each of said corporations, parties to the same, and all the property, real, personal and mixed, and debts due on account of subscriptions of stock or other things in action, shall be deemed to be transferred and vested in such new corporation without further act or deed; and all property, all rights of way, and all other interests, shall be as effectually the property of the new corporation as they were of the former corporations, parties to said agree-

ment; and the title to real estate, either by deed, gift, grant, or by appropriations under the laws of this state, shall not be deemed to revert or be impaired by reason of this act: **Provided,** That all rights of creditors, and all liens upon the property of either of said corporations, shall be preserved unimpaired, and the respective corporations, may be deemed to be in existence to preserve the same; and all debts, liabilities and duties of either of said companies, shall thenceforth attach to said new corporation and be enforced against it to the same extent as if said debts, liabilities and duties, had been contracted by it.

Sec. 6. Such new company shall as soon as convenient, after such consolidation, establish a principal office at some point in this state on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change. **Principal office.**

Sec. 7. Suits may be brought and maintained against such new company in the courts of this state for all causes of action in the same manner as against other railroad companies in this state. **Suits.**

Sec. 8. That portion of the road of such consolidated company in this state, and all its real and personal property shall be listed for taxation and taxed in the same manner as the road and property of other railroad companies in this state. To ascertain the proportion of the rolling machinery subject to taxation in this state, the officer listing the same, shall ascertain the value of all the rolling machinery of such company, and return a sum bearing the same proportion to the value of the whole that the length of the line of such road within this state bears to the length of the whole line. **Taxation.**

Sec. 9. That any railroad company now organized, or which may hereafter be organized in this state, for the purpose of constructing a railroad to the boundry line of this state, shall be authorized to extend its road into and through any adjoining state under the regulations which may be prescribed by such adjoining state, and the rights, powers and privileges of such company over such extension in construction and use of such road in controlling the property and applying money and assets thereon, shall be the same as if said road had been built wholly within this state. **Extension of railroads into adjoining states.**

Sec. 10. Any stockholder who shall refuse to convert his stock into the stock of the consolidated company, shall be paid the highest market value of such stock at any time within six months next preceding the time of the making of such agreement for consolidation by the directors, if previous to such consolidation he shall so require; and if the stockholder so refusing to consolidate, and the board of di- **When stockholders refuse to convert their stock.**

Arbitration.

rectors of the company desiring to consolidate can not agree as to the value of said stock it shall be lawful for the parties to submit the question to arbitration, which arbitration shall be conducted in accordance with the provisions of the law in force regulating arbitrations (so far as the same may be applicable) by three disinterested persons to be appointed upon the motion of either of the parties by the judge of the court of common pleas of the county in which the person owning the stock shall reside, or in case he be a non-resident of the state, or of any county through which said road shall pass, then in the county in which the principal office of the company shall be kept, and if the person so refusing to convert his stock shall refuse to submit the question to arbitration, the proper judge shall, upon the application of any director of either of the companies desiring to consolidate, appoint the arbitrators, who shall proceed to ascertain the value of the stock the same as if the question had been submitted by the consent of both parties, and if the party owing the stock shall refuse to receive the amount awarded in any case provided for in this section, it shall be lawful for the company to deposit the same with the clerk of the court of common pleas of the county in which the arbitration shall be held, which deposit shall authorize the parties to proceed to consolidate without further payment to such stockholder.

Same.

Sec. 11. In all cases of arbitration under the provisions of the foregoing section, it shall be the duty of the party desiring such arbitration, to give the opposite party at least ten days notice of his intention to apply to the judge for the appointment of the arbitrators, which notice shall be served in the same manner as is provided for the service of a summons, and shall specify the time and place of the hearing of such motion: Provided, That in cases of non-residents the notice shall be by publication made in the same manner, and for the same time, as provided by sections seventy, seventy-one and seventy-two, of the act entitled "an act to establish a code of civil procedure," passed March 11, 1853.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOS. H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

To authorize and regulate the sale of section number twenty-nine and the surrender of permanent leases thereto, in the county of Gallia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all lessees, assignee or assignees, of all or any part of section number twenty-nine, granted by Congress for religious purposes, or any other person or persons being the owner or owners, legal or equitable, of any lease, or any part or parcel of said section number 29, in any original surveyed township in the county of Gallia, in this state, when, under the provisions of "an act authorizing the sale of lands granted by Congress for the support of religion within the Ohio Company's Purchase," passed March 3, 1834, the vote therein provided to be taken, resulted in favor of the sale of said section No. 29, shall be entitled to return their lease, leases or other evidence of title to the auditor of said county; and it is hereby made the duty of said auditor, on such return being made to him, to endorse on the back of said lease, leases or other evidence of title, that such lessee, assignee or owner thereof, does release to the state of Ohio in trust for the use of the township to which the land belonged, all right, title, interest and estate which is vested in him by such lease, leases or other evidence of title, which endorsement shall be signed and sealed by the lessee, lessees or owner thereof in the presence of said auditor; and it shall be the duty of said auditor to enter in a book to be by him provided for that purpose, the date of the original lease or leases, and the date of the assignment, or other evidence of title so presented by the owner to the auditor, the name of the original lessee or lessees, the name of the owner who surrenders the same, the description of the land, with the number of acres, the rate per acre at which the same was appraised at the last previous appraisement; and if such lease, leases or other evidence of title have been recorded, the book and page where the same may be found, and also the date of said application to surrender.

Surrender of
permanent
leases to Sec
29, in Gallia
county.

SEC. 2. That on surrendering any lease, leases, or other evidence of title as aforesaid, such lessee or owner shall be entitled to receive from the county auditor a certificate of purchase for the land contained in such lease, leases or other evidence of title, by paying therefor the appraised value per acre of such land, according to the last legal appraisement thereof, together with all rents which may be due upon the same up to the time of surrendering the same in the manner following, to wit: All the rents due, if any, and one-fourth part of the purchase money or appraised value of such lands at the time of surrendering said lease, leases or other evidence of title as aforesaid, shall be paid in hand and residue of such appraised value shall be divided into three

Purchase of
lands surren--
dered.

equal installments, one of which is to be paid annually from and after date of the surrender as aforesaid until the whole be paid.

Payment.

SEC. 3. All payments made under the provisions of this act, shall be made to the treasurer of said county, and to enable the person whose duty it is to make such payment, such person shall receive from the auditor a certificate specifying on what account such payment is to be made, and the amount thereof; such person, on making payment, shall receive the treasurer's receipt therefor, which he shall deliver to the county auditor, who shall preserve the same and charge the treasurer therewith, and give to the person making such payment a certificate specifying on what account such payment was made.

Treasurer's
account of
proceeds.

SEC. 4. That the treasurer of said county shall keep separate accounts of all money received under the provisions of this act, specifying when, from whom, and on what account, each item was received; and it shall be the duty of said county treasurer to make and transmit, on the first Monday in January annually, a transcript of said accounts, by mail, to the auditor of state, and the county treasurer shall pay over annually, on or before the first Monday in February, all money which shall come into his hands on account of such lands during the preceding year.

Auditor's
certificate.

SEC. 5. That when the owner of any lease to any tract, lot, or part of lot of said section number twenty-nine, shall surrender his said lease under the provisions of this act, the county auditor shall give the owner of such lease a certificate, specifying the date of such surrender, the name of the person surrendering the same, the description of the land so surrendered, the amount of the purchase money, the number of installments, the amount paid, and when the residue will become due and payable.

Final certifi-
cate and deed.

SEC. 6. That when the purchaser of any of the aforesaid lands, or any legal representative or assignee of such purchaser, shall have paid for any tract or parcel of land according to the provisions of this act, the county auditor, or other proper officer, shall give the person entitled thereto, a final certificate particularly describing the parcel of land so paid for, and the several sums that may have been paid thereon; and upon the presentation of said certificate to the auditor of state, he shall make the draft of a deed to the person or persons entitled thereto, which he shall deliver to the governor, accompanied by such final certificate, which said deed shall be signed by the governor, sealed by the great seal of the state of Ohio, and be countersigned and recorded by the secretary of state, and deliver to the person entitled thereto, upon demand.

Sale of lands
for non-pay-

SEC. 7. That if any purchaser of any lands as hereinbefore provided, shall fail for one year, to make payment of

any installment which may become due and payable thereon, the proper county auditor or other officer which may by law be appointed for that purpose, shall proceed to sell such parcel of land with all the improvements thereon, at the court house in said county to the highest bidder, after having given notice of such sale, by causing an advertisement (containing a description of said land and stating a day on which such sale will be made, not more than three months from the date of said advertisement,) to be published at least four times in some newspaper in general circulation in such county, one of which publications shall be at least forty days before the time appointed for the sale thereof: Provided, that no bid shall be received for a less sum than the amount due and to become due to the state, including all the expenses of sale; and if no person will bid that amount, such parcel of land, together with all money paid thereon, shall absolutely be forfeited to the state of Ohio in trust for the use of the inhabitants of the township to which the land belonged; but if such parcel of land shall sell for more than the amount due to the state of Ohio, including the expenses of sale, the surplus shall belong to the original purchaser, or his assigns or legal representative of such purchasers and may be paid over accordingly, if the person be present and willing to receive it, otherwise it shall be paid to the county treasurer for such person's use, to be paid over upon the order of the county auditor, and the bidder shall forthwith pay the amount due the state and the expenses of sale into the county treasury, and the surplus, if any, as before mentioned; and if such bidder fail to make payment as aforesaid, the county auditor or other officer shall forthwith proceed to expose said parcel of land again to sale, as herein provided. And all lands forfeited to the state under the provisions of this section, may again be sold in the manner provided in this act for any amount not less than the value thereof, as returned by the assessor or the amount specified in the lease, when the first sale was made upon the surrender thereof.

ment of purchase money.

Proviso.

SEC. 8. The act entitled "an act to authorize the surrender of leases on section 29, in Gallia county, and taking certificates of purchase thereon," passed March 7, 1851, and an act entitled "an act supplementary to the act entitled 'an act authorizing the sale of lands granted by Congress, for the support of religion within the Ohio Company's Purchase,' passed March 3, 1834," passed April 17, 1854, be and the same are hereby repealed.

Acts repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro. tem.

April 11, 1856.

AN ACT

To authorize the incorporation of joint stock insurance companies.

Organization
of joint stock
insurance
companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any number of persons, as required by the first section of the act entitled "an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May first, one thousand eight hundred and fifty-two, associate, to form a joint stock insurance company, they shall, under their hands and seals, make a certificate, specifying the name assumed by such company, and by which it shall be known, the object for which said company shall be formed, the amount of its capital stock, and the place where the principal office of said company shall be located, which certificate shall be acknowledged, certified and forwarded to the secretary of state, and shall be recorded and copied in the same manner as is provided in the second section of said act; and said persons, when so incorporated, are hereby authorized to carry on the business of insurance, as named in such certificate of incorporation, and by the name and style provided therein shall be deemed a body corporate, with succession; they and their associates, successors and assigns to have the same general corporate powers, and be subject to all the obligations and restrictions of said act, and of the acts amendatory and supplementary thereto, except as herein provided.

Capital stock.

SEC. 2. The capital stock of any company organized under this act, shall be such sum, not less than one hundred thousand dollars, nor more than three hundred thousand dollars, as may be specified in the certificate of incorporation, which stock shall be divided into shares of twenty dollars each.

Increase of
capital stock.

SEC. 3. That whenever any company organized under this act, with less than the maximum capital limited in section two, shall, in the opinion of the directors thereof, require an increased amount of capital, they shall, if authorized by the holders of a majority of the stock, file with the secretary of state, a certificate setting forth the amount of such desired increase, not exceeding said maximum, and thereafter such company shall be entitled to have the increased amount of capital fixed by said certificate.

Payment of
stock.

SEC. 4. At the time of subscribing for stock in any company organized under this act, the person so subscribing shall pay the sum of four dollars in money on each share subscribed, and the balance on each share shall be subject to the call of the directors, secured to their approval by endorsed notes payable on demand, or by other property or stocks; and if at any time the directors shall deem any

such security insufficient, it shall be their duty to require additional security; and any stockholder, whether holding by subscription, or by assignment and transfer, failing to pay any portion of his stock at the time and in the manner prescribed by the directors or neglecting or refusing to give such additional security as may be required of him by the directors, it shall be their duty to sell such delinquent stock at auction, for cash, to the highest bidder, first giving ten days notice of the time and place of sale, by advertisement in some newspaper printed in the county in which the principal office of the company shall be located. The proceeds shall be applied in payment of the amount delinquent and the expenses of selling the stock—the stockholder remaining liable to the company for any deficiency, and being entitled to any excess, as the result may be.

Sale of delinquent stock.

Sec. 5. The persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription of stock in the company, at such times and places as they shall deem convenient and proper; and so soon as one thousand shares shall be subscribed, and shall be paid or secured, as required in the fourth section of this act, the company shall be competent to transact the business for which, according to its certificate of organization it is established.

Commissioners

Sec. 6. The affairs of any company organized under this act, shall be managed by not more than nine, nor less than five directors, all of whom shall be stockholders. Within one month after a thousand shares of stock shall have been subscribed, a majority of the stockholders shall hold a meeting for the election of directors, each share of stock entitling the holder thereof to one vote; and the directors then elected shall continue in office until the first Monday in January thereafter, and until others shall have been chosen to succeed them in the trust, and shall have accepted the same.

Election of directors.

Sec. 7. The annual meeting for the election of directors, shall be holden on the first Monday in January: Provided, however, that if for any cause the stockholders shall fail to elect directors at any annual meeting, they may hold a special meeting on some subsequent day, for the purpose, by giving notice thereof thirty days, in some newspaper in general circulation in the county where the principal office of the company shall be kept; and the directors chosen at any such annual or stated meeting shall continue in office until the next annual meeting, and until their successors, duly elected, shall have accepted.

Annual meeting for election of directors.

Sec. 8. The directors shall choose, by ballot, a president from their own number, and shall fill all vacancies that may arise in the board or in the presidency thereof; and the board of directors, thus constituted, or a majority of them

President.

when convened at the office of the company, shall be competent to exercise all the powers vested in them by this act.

Power of insurance

SEC. 9. It shall be lawful for any company organized under this act, to insure houses, buildings and all other kinds of property, against loss or damage by fire, in and out of the state; to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land or water, or on any vessel or boat, wherever the same may be; to lend money upon bottomry or respondentia; and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and against any maritime or other risks upon the interest which it may have in any vessel, boat, goods, merchandise or other property, by means of any loan or loans which it may have made on mortgage, bottomry, or respondentia, and generally to do and perform all other matters and things proper to promote these objects.

Loan &c., of funds.

SEC. 10. It shall be lawful for such company to loan or invest any part of its capital stock, money, or other funds, in such way as the directors shall deem best for the safety and interest of the stockholders; and to sell, transfer and dispose of any interest which the company may have acquired by any such loan or investment.

Dividends of profits.

SEC. 11. The directors shall declare such dividends of the profits of the business of the company as may be paid, without impairing or in anywise diminishing the capital stock, the dividends to be made half yearly, on the first Mondays of July and December, payable to the stockholders ten days thereafter; but no dividend shall be paid to any stockholder whose stock is delinquent.

Transfer of stock.

SEC. 12. Transfers of stock may be made by any shareholder, or his legal representative, subject to such restrictions as the directors shall from time to time make and establish in their by-laws.

Policies.

SEC. 13. All policies or contracts of insurance made or entered into by the company, may be made either under or without the seal thereof; they shall be subscribed by the president, or such other officer as may be designated by the directors for that purpose, and shall be attested by the secretary, and being so subscribed and attested, they shall be obligatory on the company.

Officers

SEC. 14. The directors of any such company shall have power to appoint a secretary, and any other officers and agents necessary for transacting the business of the company, paying such salaries and taking such security as they may judge reasonable; they may ordain and establish by-laws and regulations, not inconsistent with this act or with the constitution and laws of this state and of the United States, as shall appear to them necessary for regulating

Rules and regulations.

and conducting the business of the company; and it shall be their duty to keep full and correct entries of their transactions, which shall at all times be open to the inspection of the stockholders.

SEC. 15. This act shall take effect and be in force from In force. and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

Concerning the enacting and repealing of statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every law passed which contains no provision as to the time when it shall take effect, shall take effect on the first day of May next after its passage. When laws take effect.

SEC. 2. That whenever a statute is repealed, such repeal shall in no manner affect pending actions founded thereon, nor causes of action not in suit that occurred prior to any such repeal, except as may be provided in such repealing statute. Repeal of statutes.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Further to prescribe the duties of county commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each commissioner of a county, before entering upon the discharge of his duties, shall enter into bond, in such sum as shall be required by the judge or judges of the court of common pleas of the proper county, with two Bond of county commissioners.

or more good and sufficient sureties to be approved of by said judge or judges, conditioned for the faithful discharge of his official duties, and for the payment of any loss or damage that may happen or accrue to the county, in consequence of the neglect or failure of the said commissioner faithfully to perform and discharge all the duties required of him by law.

Notice of contracts.

Conditions.

Proviso.

Question of outlays to be submitted to people.

SEC. 2. That the county commissioners of any county, shall not make, suffer, or cause to be made, any purchase or contract for any outlay of money for or on behalf of their county, the estimated value or expenses of which shall exceed one hundred dollars, without first causing twenty days notice to be given in one or more newspapers of general circulation in the county, that proposals will be received for the performance of any job or work, or for furnishing any goods, wares, merchandize, or materials for said county; and the said county commissioners shall make, or cause to be made, such purchase or contract with the lowest responsible bidder, upon such person or persons giving bond to the county, with security to be approved by the county commissioners, that the work will be faithfully performed, and the goods, wares, merchandize, or materials will be honestly delivered according to contract; and in case of the failure on the part of such person, within a reasonable time, as may be fixed by the commissioners, to enter into bond, with the security aforesaid, then the said purchase or contract may be made with the next lowest responsible bidder, upon the same conditions and limitations, and so on until the purchase or contract is made with the person or persons who will undertake the same, giving bond and security therefor, at the lowest price and in the best manner: Provided, That this section shall not be construed to extend to the purchase of any articles necessary to any of the county officers, in the discharge of the duties of their offices, except stationery and printing: And provided further, That the said commissioners may, nevertheless, by a unanimous vote, entered upon the minutes of their proceedings, and stating the grounds thereof, dispense with the operation of this section in cases of urgent necessity, when the estimated expenses or outlay does not exceed five hundred dollars: Provided further, That all contracts or purchases entered into, in contravention of the provisions of this section, shall, as against the county, be utterly null and void.

SEC. 3. That the county commissioners shall not, hereafter, make any purchase, or enter into any contract or engagement for the erection of any infirmary, court house, bridge, culvert, or any other public building or improvement, by which a larger amount of money or expense is involved than five thousand dollars, without first submitting the question as to the policy of such outlay or expense involved

therein, to the qualified voters of the county, either at the annual spring or fall election, by giving public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, and by handbills to be posted up in at least five public places in each township and ward in said county, one of which handbills shall be posted up on the day of such election, at each of the places for holding said election; and all purchases hereafter made, or contracts entered into, for any such public building or improvement as aforesaid, shall be absolutely void as against said county, unless the policy of such outlay or expense shall first have been approved by a majority of the votes cast at such election: Provided, That nothing in this section shall be so construed as to prevent the commissioners of any county from making and entering into any contract, and appropriating, without a vote, any money now remaining in the treasury, to the purposes for which such money was assessed and collected.

SEC. 4. It shall be essential to the validity of every contract entered into by the county commissioners, or order made by them, that the same shall have been assented to at a regular or special session thereof, and entered in the minutes of their proceedings by the auditor.

Validity of contracts.

SEC. 5. That it shall be unlawful for the county commissioners to enter into any contract for the erection or repair of any bridge or culvert, the estimated expense of which amounts to more than one hundred dollars, until after the trustees of the township or townships, in which the proposed improvement is to be made, and the county surveyor shall have, in writing certified, that from actual examination, they believe the same to be necessary and proper for the convenience of the public, and until they shall have caused an accurate estimate of the cost of the proposed improvement to be made and furnished to them, by the county surveyor, and no contract for the making of the said improvement, for a sum greater than the said estimate of the county surveyor, shall be binding upon the county: Provided, That the said commissioners may, nevertheless, by a unanimous vote, entered upon the minutes of their proceedings, and stating the grounds thereof, dispense with the operation of this section in cases of urgent necessity, when the estimated expense or outlay does not exceed two hundred dollars.

Repair of bridges and culverts.

SEC. 6. That it shall be the duty of the county commissioners to designate to the county treasurer the place or places at which, and the person or persons with whom, he shall deposit the public moneys received by him during the time the said moneys shall properly be in his custody; and it shall not be lawful for the said treasurer to make any such deposit of public money, without the assent and approval of the commissioners, to be entered in the minutes of their pro-

Commissioners to choose depositories of public moneys.

or more good and sufficient sureties to be approved of by said judge or judges, conditioned for the faithful discharge of his official duties, and for the payment of any loss or damage that may happen or accrue to the county, in consequence of the neglect or failure of the said commissioner faithfully to perform and discharge all the duties required of him by law.

Notice of contracts.

Conditions.

Proviso.

Question of outlays to be submitted to people.

SEC. 2. That the county commissioners of any county, shall not make, suffer, or cause to be made, any purchase or contract for any outlay of money for or on behalf of their county, the estimated value or expenses of which shall exceed one hundred dollars, without first causing twenty days notice to be given in one or more newspapers of general circulation in the county, that proposals will be received for the performance of any job or work, or for furnishing any goods, wares, merchandize, or materials for said county; and the said county commissioners shall make, or cause to be made, such purchase or contract with the lowest responsible bidder, upon such person or persons giving bond to the county, with security to be approved by the county commissioners, that the work will be faithfully performed, and the goods, wares, merchandize, or materials will be honestly delivered according to contract; and in case of the failure on the part of such person, within a reasonable time, as may be fixed by the commissioners, to enter into bond, with the security aforesaid, then the said purchase or contract may be made with the next lowest responsible bidder, upon the same conditions and limitations, and so on until the purchase or contract is made with the person or persons who will undertake the same, giving bond and security therefor, at the lowest price and in the best manner: Provided, That this section shall not be construed to extend to the purchase of any articles necessary to any of the county officers, in the discharge of the duties of their offices, except stationery and printing: And provided further, That the said commissioners may, nevertheless, by a unanimous vote, entered upon the minutes of their proceedings, and stating the grounds thereof, dispense with the operation of this section in cases of urgent necessity, when the estimated expenses or outlay does not exceed five hundred dollars: Provided further, That all contracts or purchases entered into, in contravention of the provisions of this section, shall, as against the county, be utterly null and void.

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therein, to the qualified voters of the county, either at the annual spring or fall election, by giving public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, and by handbills to be posted up in at least five public places in each township and ward in said county, one of which handbills shall be posted up on the day of such election, at each of the places for holding said election; and all purchases hereafter made, or contracts entered into, for any such public building or improvement as aforesaid, shall be absolutely void as against said county, unless the policy of such outlay or expense shall first have been approved by a majority of the votes cast at such election: Provided, That nothing in this section shall be so construed as to prevent the commissioners of any county from making and entering into any contract, and appropriating, without a vote, any money now remaining in the treasury, to the purposes for which such money was assessed and collected.

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Repair of bridges and culverts.

SEC. 6. That it shall be the duty of the county commissioners to designate to the county treasurer the place or places at which, and the person or persons with whom, he shall deposit the public moneys received by him during the time the said moneys shall properly be in his custody; and it shall not be lawful for the said treasurer to make any such deposit of public money, without the assent and approval of the commissioners, to be entered in the minutes of their pro-

Commissioners to choose depositaries of public moneys.

Further duties

ceedings; and it shall be the duty of the said commissioners to make any contract or agreement with such depositary or depositaries, for the safe keeping of the public moneys, and for the payment of any consideration therefor, which shall be paid into the county treasury, and shall belong to the county, and the said commissioners are also required to take from such depositary or depositaries, a bond or bonds, with good and sufficient sureties to their satisfaction, for the safe keeping and re-payment on demand of such deposits; and all money in the county treasury, which shall not be deposited for safe keeping as herein provided, shall be kept at the office of the treasurer; and it shall be the duty of the county commissioners, at least once in every three months, and oftener, if they deem it proper, to make a personal examination of the books, papers, accounts and vouchers of the treasurer, and count the money in his office, and ascertain the amounts deposited, and to enable them to ascertain the true condition of the treasury; they are authorized to interrogate the treasurer and his deputies, clerks, assistants, and to require answers from them under oath, to be administered by the said commissioners: Provided, however, That the county treasurer and his sureties shall continue and remain liable for the safe keeping and prompt payment, according to law, of all money belonging to the county treasury, and not kept or deposited elsewhere than in the office of the county treasury, under the direction of the county commissioners, and for the faithful account of all money disbursed by him.

Report to court of common pleas.

SEC. 7. It shall be the duty of the county commissioners, annually, on the first Monday in March, to make a detailed report in writing to the court of common pleas of the county, of their official transactions, during the year next preceding the time of making such report, giving an accurate statement of the financial affairs of the county, which shall be printed at the expense of the county, as directed by the court, to whom the same is made, and the court shall cause the same to be investigated and examined by the prosecuting attorney of the county, who, in case of any violations of law, is hereby directed to cause the same to be prosecuted according to the nature of the case.

Accounts of commissioners to be examined by prosecuting attorney.

SEC. 8. No account shall be allowed, and no money shall be paid, for any services rendered by any county commissioner, or any expenses incurred by him, other than his compensation allowed by law, until the same shall have been examined by the prosecuting attorney of the county, certified by him to be correct, and allowed by the court of common pleas.

Claims against county, how paid.

SEC. 9. No claims against the county shall be paid, otherwise than upon the allowance of the county commissioners, upon the warrant of the county auditor, except in those cases in which the amount due is fixed by law, or is author-

ized to be fixed by some other person or tribunal, in which cases, the same shall be paid upon the warrant of the county auditor, upon the proper certificate of the person or tribunal allowing the same : Provided, That no public money shall be disbursed by the county commissioners, or any of them, but the same shall be disbursed by the county treasurer, upon the warrant of the county auditor, specifying the name of the party entitled to the same, on what account, and upon whose allowance, if not fixed by law:

Sec. 10. This act to take effect and be in force from and after its passage : Provided Sections 1, 5, 6 and 8, shall only apply to such counties as at the taking of the Federal census of the year 1850, contained a population greater than one hundred thousand inhabitants.

When take
effect.
Proviso.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To authorize banking companies to hold real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all banking companies of this state, which have been heretofore incorporated, or which may hereafter be incorporated, are hereby authorized to acquire, hold and convey such real estate as may be necessary as a place for the convenient transaction of the business of said companies.

Banking com-
panies may
hold real
estate.

Sec. 2. This bill shall take effect on its passage.

In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 9, 1856.

AN AOT

Authorizing the election of one additional judge of the court of common pleas in the county of Cuyahoga.

Additional
judge of com-
mon pleas in
Cuyahoga
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the fourth judicial district there shall be one additional judge of the court of common pleas, who shall be a resident of the third sub-division of said district, being the county of Cuyahoga, and be elected by the qualified voters of said county, at the next annual election for state and county officers, in the same manner and for the same term, as is prescribed by law for the election of other judges of the court of common pleas, and shall be entitled to receive the same salary; and when so elected and qualified, shall have, in all respects, the same jurisdiction, possess the same powers, and discharge the same duties as are conferred or enjoined by the constitution and laws of the state upon other judges of said courts; and any vacancy that may occur in the office of such additional judge, whether by expiration of his term of service or otherwise, shall be filled as in other cases.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN AOT

To punish the embezzlement and unlawful use of public moneys.

Embezzle-
ment of pub-
lic moneys.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person who shall be entrusted with the custody of public moneys, whether for the safe keeping or transmission of the same, as officer, agent or servant of the state, or of any county, township, city, incorporated village or school district, shall convert to his own use, or to the use of any corporation, company or copartnership, in which he may have any interest; or shall make way with, or secrete such moneys, or any part thereof, or any security or evidence of debts, of which he shall have the custody, supervision or control, as such officer, agent or servant, he shall for every such act be deemed and adjudged guilty of embezzling so much of such moneys, security or evidence of debt, as

shall be so converted, made way with or secreted; and he shall be punished therefor in the same manner and to the same extent as is or shall be prescribed by law for the punishment of feloniously stealing property of the same value. Punishment.

SEC. 2. If any such officer, agent or servant, shall loan any moneys, securities or other evidences of debt, in his custody, or within his control, as such officer, agent or servant, he shall, on conviction thereof, be fined in a sum equal to the sum of money, or to the value of the security or other evidence of debt so loaned, which fine shall enure to the benefit of the state, county, township, city, village or district, owning the money or security so loaned. Loan of public moneys.

Penalty.

SEC. 3. If any such officer, agent or servant, shall deposit or place, or shall order, or (knowingly) permit to be deposited or placed, or to remain placed or deposited, any money, security or other evidence of debt, belonging to the state, or to any county, township, city, incorporated village or school district, in this state, and which shall be in his possession or subject to his control, under any agreement or understanding, or with any expectation on his part, that either he, or any other person or persons shall receive therefor, any money or other valuable thing, by way of interest, bonus or gratuity, such officer, agent or servant shall, for every such offence, on conviction thereof, forfeit and pay for the use of the state, county, township, city, incorporated village or school district, to whom the money so deposited belonged, a sum equal to the amount so deposited. Depositing public funds under agreement to receive interest or bonus.

SEC. 4. All prosecutions under this act shall be by indictment in the court of common pleas; and it shall be the duty of the judge of said court to give this act specially in charge to the grand jury. Prosecutions.

SEC. 5. The "act to punish the embezzlement of public moneys and for other purposes," passed March 2, 1846, shall be and the same is hereby repealed. But all suits pending and rights accrued under said act are hereby saved. This act shall take effect from and after the first day of June next. Act repealed.

In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.

THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

To authorize the repair of certain roads.

Repair of
macadamized
roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the county commissioners of any county have issued bonds for the purpose of raising money for the making, repairing, or in any manner improving any road as a macadamized road, and have pledged for the payment of such bonds, the funds arising from the tolls thereafter to accrue from such road, and such county commissioners shall fail to keep any portion of said road within the limits of any municipal corporation of this state, in repair as a good macadamized road for ten days successively, the proper authorities of such municipal corporation may pass a resolution requesting such county commissioners, and the holders of such bonds, to repair the same within thirty days after said resolution shall have been published for three consecutive weeks, in some newspaper printed and of general circulation in the county in which such municipal corporation is situated, and a copy of said resolution shall have been served on such county commissioners; and in case of a failure on the part of such commissioners, and on the part of said bond-holders, to repair such road within said thirty days, such municipal corporation may file a petition in writing, with a copy of said resolution, in the probate court of the county, describing the portion of the road required to be repaired; and it shall be the duty of the court to cause notice of the filing of said petition, by service of a summons upon the county commissioners, and by publication, for three consecutive weeks, in a newspaper, printed and of general circulation in the county in which such municipal corporation is situated, and thereupon the court shall appoint two disinterested persons as inspectors, who shall view the portion complained of, and return their finding thereon, under oath, to the said court within ten days; and if they shall find such complaint to be true, such portion of the road shall be declared free, and discharged from all claim of said bond holders; and it shall be the duty of the municipal corporation to repair or improve the same, and to assess and collect a charge on the owners of any lots or land, or on the lots or lands bounding and abutting on such portion of such road in the same way as is provided by law in relation to the improvement of streets.

When road
declared free.

Action
against per-
son taking
toll on roads
made free.

SEC. 2. No toll shall be received at the gates for the portion of the road so declared free and discharged; and if the keeper of any gate shall demand and receive toll for the same, he shall be liable to pay the sum of five dollars to the party injured, to be recovered by a civil action before any justice of the peace having jurisdiction. The costs of the

proceedings on the complaint shall be paid by either party, as the court may direct, if the action be sustained, if not, by the municipal corporation, and execution shall issue therefor, as in other cases.

SEC. 3. It shall not be necessary, in such resolution and subsequent proceedings, to state the names of such bond holders, but it shall be sufficient to describe them as the holders of such bonds. Bond holders.

SEC. 4. This act to take effect and be in force from and after its passage. In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

To amend and supplementary to an act entitled "an act to prevent the adulteration of alcoholic liquors," passed May 1, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled "an act to prevent the adulteration of alcoholic liquors," passed May 1, 1854, be and the same is hereby amended so as to read as follows: Section 4. Said inspector shall keep an accurate account of all liquors by him inspected, and place his mark on the casks, barrels, or bottles, pure, if so found — if not, then, impure; and when he shall find any adulterated liquors he shall give notice to the prosecuting attorney of the county of the persons owning and offering for sale, or offering for sale such adulterated liquors, who shall forthwith institute proceedings against such persons as hereinafter provided; and if, upon said trial, he, she or they, shall be found guilty of a violation of any of the provisions of this act, said inspector shall forthwith destroy such adulterated liquor. Said inspectors shall each be entitled to demand and receive for inspecting the first cask, barrel or bottle as aforesaid, the sum of two dollars, and for every additional cask, barrel or bottle, the sum of twenty-five cents, and mileage at the rate of five cents per mile for the distance he may be compelled to travel in the discharge of his duty, from the owner of the liquor inspected, or from the person offering to sell.

Sec amended

Account of in
spected
liquors.

Proceedings
against per-
son offering
for sale im-
pure liquors.

Inspector's
fees.

When person
resists or im-
pedes inspec-
tor.

SEC. 2. That if any person shall resist, abuse, impede, or obstruct, or attempt to resist, abuse, impede, or obstruct any inspector appointed under the provisions of the act to which this is amendatory and supplementary, in the discharge of his duty, every person so offending shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars nor less than ten dollars, and shall also be imprisoned in the jail of the county not more than thirty days nor less than ten days.

Sec. repealed.

SEC. 3. That original section four of the before recited act shall be and the same is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 10, 1856.

AN ACT

To regulate and limit the compensation of certain county officers.

Fees, costs, &
perquisites of
every kind, of
county officers
to be received
for use of
county treas-
ury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the fees, costs, per centages, penalties and other perquisites of whatever kind, which by any law the clerk of any court, probate judge, sheriff, either as such, or as special master commissioner or receiver in any case, treasurer, recorder and auditor, in every county within this state, is or may hereafter be authorized to charge, receive and collect, for any services rendered by him or them, shall hereafter be received and collected by the said officers respectively, to and for the sole use of the county treasury of their respective counties, as public moneys, belonging to said counties and not otherwise, and shall be accounted for and paid over as such, in the manner hereinafter provided.

Reports of
officers.

SEC. 2. That it is hereby made the duty of the several officers named in the first section of this act, to report to the county commissioners of their respective counties, quarter yearly during each year of their official term, a certified and sworn statement of all the costs, fees, per centages, penalties and other perquisites, of every kind, charged in his office, whether taxed in any cause, matter or proceeding or otherwise, and receivable by him for any services rendered by him during the quarter next preceding the time of making such statement showing the whole amount thereof, how much

thereof has been received by him, how much thereof remains uncollected, the names of the persons from whom any of the same are due and the amounts due from each, and the reason why the same have not been collected. Provided, however, that the sheriff, clerk and probate judge, shall not be required to report as to any uncollected fees, or costs in any suit, matter or proceeding which at the time for making any such quarterly report, shall be pending and not determined by a final order or judgment, but all such uncollected fees and costs shall be reported in full in the next quarterly report after the said suit, matter or proceeding, shall have been determined by a final order or judgment; and, provided further that the treasurer shall not be required to report the fees, per centages or penalties receivable by him for collecting taxes that are charged upon the tax duplicate until his settlement with the county auditor, but shall report the same to the county commissioners in gross as made out by the county auditor in his quarterly report next after such settlement and that the county auditor shall not be required to report the fees receivable by him for services rendered for the county and payable to him out of the county treasury except at his annual settlement with the county commissioners as now provided by law. Proviso.

Sec. 3. The county commissioners shall regulate the number, and fix the compensation of all deputies, clerks, book-keepers, and other assistants to be employed by the treasurer, auditor, and recorder; which compensation shall be paid to them upon the allowance of the county commissioners, out of the county treasury upon the warrant of the county auditor; and the number and compensation of the deputies and assistants of the probate judge shall be regulated and fixed by the court of common pleas of the county, which compensation shall be allowed by the county auditor upon the certificate of the court of common pleas, and paid out of the county treasury, and the number and compensation of the deputies and other assistants of the clerk or clerks and sheriff, shall be regulated and fixed by the court of common pleas of the county; but where the clerk or sheriff is the officer of more than one court, the number and compensation of the deputies and assistants necessary for the transaction of the business of each court, shall be regulated and fixed by such court and the compensation of said deputies and assistants shall be paid on the certificate of the court or courts fixing the same of the amounts due, out of the county treasury on the warrant of the county auditor. The county commissioners shall also allow and order to be paid, as other claims against the county all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers: Provided, however that the compensation of all deputies and assistants, and all other neces- Assistants

sary expenses of any such officer hereby authorized to be paid shall be first paid out of the fees, costs, per centages or penalties collected by such officer and accounted for and paid into the county treasury.

Accounts.

SEC. 4. That each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners of all sums charged and collected by him, but the treasurer and auditor shall not be required to keep a separate account, of any matters appearing from the tax duplicate.

**Compensation
of officers**

SEC. 5. That if, after deducting from the whole amount of the costs, fees, per centages, and penalties collected by each of said officers respectively during each year, the amounts allowed and paid for the compensation of deputies, clerks, book-keepers, and other assistants, and other necessary expenses of the said officers severally, there shall remain so much, each of said officers shall be allowed to receive for his own use out of the costs, fees, per centages and penalties collected by him as follows: In counties having, by the last preceding enumeration of white male inhabitants above the age of twenty-one years, taken under the authority of this state, no more than two thousand four hundred such inhabitants, the probate judge eight hundred, treasurer eight hundred, clerk nine hundred, auditor nine hundred, sheriff ten hundred, and recorder seven hundred dollars for each year; and in counties having more than two thousand four hundred such inhabitants, each of the aforesaid officers may receive the like sums, and in addition thereto may receive for each year the sum of twenty-five dollars for each additional two hundred such inhabitants, above twenty-four hundred in the county; and in counting such inhabitants above twenty-four hundred, if there be any fraction of two hundred greater than one hundred, such fraction shall be reckoned as two hundred; provided, that no sheriff or treasurer shall receive in any year, in any county, more than three thousand five hundred dollars, and that no clerk, auditor or probate judge shall receive in any year more than three thousand dollars, and no recorder shall receive in any year, in any county, more than two thousand dollars; and the compensation to be allowed, according to the provisions of this act, to the officers named herein, after the taking of any future enumeration of white male inhabitants under the authority of this state, shall be as herein established, in every county according to the amount of its population as herein classified, as ascertained from time to time by such enumerations.

**Remainder of
fees, &c., to be
paid into the
county treasury.**

SEC. 6. That each of said officers, after deducting the proper proportion of the amounts allowed by this act, to be retained by him for his own use, shall, at the end of each quarter, pay into the county treasury, and account for to the

county commissioners, for the use of the county, all the remainder of the fees, costs, per centages, penalties, and perquisites, of every sort; collected by him during the said quarter; but if in any quarter there shall not have been collected a sufficient amount of fees, costs, per centages, or penalties, by any officer, to pay to him the proportion due him for his own use, as herein limited, he shall be entitled to receive the amount of any such deficiency out of the collections made by him in any succeeding quarter or quarters during his official term, after deducting therefrom the amounts allowed for the compensation of his deputies, clerks and assistants, and other necessary expenses, as hereinbefore provided.

Sec. 7. Nothing in this act shall be so construed as to make the county commissioners of any county liable to any of the officers named herein or their deputies, clerks and other assistants, for the payment of any salary or compensation except out of the fees, costs, per centages and penalties, collected by such officers respectively. Proviso.

Sec. 8. The county commissioners of every county are hereby authorized and required, when, in their opinion, it shall be necessary to employ a collector or collectors for the purpose of collecting the unpaid fees or costs reported to them, and to allow to such collector or collectors, such compensation, payable out of the same, as they shall deem reasonable; and the commissioners are also authorized to cause executions or other proper legal process to be issued for the purpose of collecting such unpaid costs and fees, but any officer failing to use due diligence in collecting any fees or costs receivable by him, shall be personally liable for the payment thereof to the county, and the same shall be charged to him by the county commissioners. County commissioners may employ collector.

Sec. 9. In case any officer named in this act, shall fail to pay over into the county treasury any money found to be due from him, upon his settlement with the county commissioners, under this act, for the period of thirty days after the same shall have been ascertained and found by them, and notice thereof given to him, or if any of said officers shall, with intent to violate this act, fail to furnish the statements and reports herein required, at the time, and in the manner herein specified, or if any of said officers shall willfully make any such report or statement false in any material matter, knowing the same to be so, he shall, upon conviction upon indictment or information in the court of common pleas of the proper county, be adjudged guilty of misconduct in office, and be immediately removed from office, and in addition, forfeit all compensation to which he would be otherwise entitled, and be condemned to pay a fine for the use of the county, of not less than three hundred nor more than one thousand dollars, for the payment of which forfeiture and fine as well as any Penalty for violation.

amount otherwise due from him in his official capacity; his sureties shall also be liable upon their bond, to be recovered in a civil action in the name of the State of Ohio, for the use of the county in which he was an officer.

Official bonds

SEC. 10. The official bonds required by law and hereafter taken from any officer named in this act shall be deemed and held to make the parties to the same liable for any violation on the part of the officer for whom they are sureties of any of the provisions hereof and for the faithful performance of all the duties hereby required.

In force.

Proviso.

SEC. 11. This act shall take effect and be in force from and after the first day of April, eighteen hundred and fifty-six; Provided, however, that nothing in this act shall be so construed as to effect the salary or compensation of any officer during the term of office for which prior to the taking effect of this act he shall have been elected, and the fees of each of the officers herein named remaining unpaid at the end of his official term, shall in no wise belong to, or be the property of any such officer, but shall be collectable by his successor in office, and shall be held to be public monies and property of the county and shall constitute a part of the fund, out of which the expenses and compensation of such successor in office shall be paid.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS. H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

To provide for the prosecution of the work on the new state house, prescribing the order in which it shall be done, and making appropriations therefor.

New state
house com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the work on the new state house, in the city of Columbus, shall be hereafter continued and prosecuted under the direction of three competent persons, to be appointed by the governor, by and with the advice and consent of the senate, who shall be denominated the new state house commissioners.

Terms of office

SEC. 2. The commissioners aforesaid shall severally hold their appointments for the term of two years, and until their

successors shall be appointed and qualified, unless the said state house shall be completed before the expiration of any term of office as aforesaid. They shall take an oath or affirmation to faithfully and diligently discharge the duties required of them by this act.

Oath.

Sec. 3. In case of the death, incapacity, resignation, refusal to accept, or removal from the state of either of said commissioners, during the recess of the general assembly, his place shall be filled by the governor, and the person so appointed shall hold his appointment until ten days after the commencement of the next session of the general assembly.

Vacancy.

Sec. 4. The governor shall, in making the appointment of said state house commissioners, designate one of them to be the acting commissioner, and the others to be advisory commissioners.

Acting and advisory.

Sec. 5. Said commissioners shall appoint some competent and suitable person as architect, who shall also be the superintendent and inspector of all work and materials performed on, or procured for said new state house. He shall hold his appointment during the pleasure of the commissioners, but may be removed by joint resolution of the general assembly.

Architect.;

Sec. 6. Every contract for work or materials for said new state house shall be in writing; shall contain a clause that the execution of the work, or the delivery of the materials contracted for, may, at any time be suspended by order of the general assembly or of the commissioners, without subjecting the state to the payment of any damages on account of such suspension; shall be signed on behalf of the state by the acting commissioner, and by the architect, and approved by the advisory commissioners, and a copy thereof deposited in the office of the secretary of state.

Contracts for work or materials.

Sec. 7. The commissioners shall, as soon as practicable after the first appointment under this act, cause the plans heretofore adopted for the construction of the new state house, the building as it now is in the course of construction, the work partially or wholly executed thereon, and materials delivered therefor, to be examined by at least two skillful and experienced architects to be selected by them, and obtain their opinion, in writing, as to the fitness of such plans, the character, propriety and value of such work and materials, and as to the best and most advisable plan for executing and completing the work yet remaining to be done, having especial regard to the durability, fitness, usefulness, and economy of such work. Said architects shall be paid a reasonable compensation for their services, to be allowed by the said commissioners, and paid out of the moneys hereinafter appropriated.

Former plans to be submitted to two architects.

What work
may be done
during the
current yea.

SEC. 8. The work to be done during the current year shall be confined to and prosecuted in the following order: to the two rooms designated for the use of the two branches of the general assembly; the rooms designated for the offices of the secretary, the auditor of state, the treasurer of state, and the governor's office; one room for the clerk of the senate, one room for the clerk of the house of representatives, and three committee rooms for each branch of the general assembly, (all of which rooms, except the two legislative halls, shall be finished in a plain and substantial manner, without ornamental work,) and to securing from injury, in a plain and economical manner, the exterior and interior of the building; provided, however, that the commissioners may cause the floor to be laid in the room designated for the library, and also in the room designated for the supreme court, clerk's office, judges room and law library room, and the same to be plastered in a plain manner, and fitted for temporary use, except the supreme court rooms, which may be finished permanently, in as plain a manner as is consistent with the present condition of the work in said rooms, if the same can be done in addition to the work hereinbefore described, without exceeding the appropriation made for the current year to prosecute the work on said building. Said commissioners may also cause the floors to be laid in the halls leading to these respective rooms, and finish the stairs that may be necessary to the use of said rooms, and a temporary flight of steps on the west end; And provided also, that nothing in this section contained shall be construed to require or prevent the legislative halls to be finished in the ornamental manner heretofore contemplated.

Convict labor
to be at dis-
posal of state
house com-
missioners.

SEC. 9. It is hereby made the duty of the warden and directors of the Ohio penitentiary, to place at the disposal of the state house commissioners, all the convict labor of the prisoners that can be advantageously employed, and that can be spared from the ordinary work of the prison, which labor shall be appropriated as the commissioners shall order, but under the supervision and control of the warden of the penitentiary.

Clerk and
agents.

SEC. 10. The said commissioners shall have power to appoint a clerk and all other agents necessary for the successful prosecution of the work committed to their charge, who shall receive a reasonable compensation for their services, out of the state house fund, to be fixed and allowed by said commissioners, said clerk and agents to hold their appointment at the pleasure of the commissioners, or a majority of them.

Contracts ex-
ceeding sum
appropriated
by \$20,000
void.

SEC. 11. No contract either for labor or materials shall be made by said commissioners, or either of them, or by the architect, requiring the payment of any sum or sums of

money, which, when added to the amount to be paid on contracts previously made, and other expenditures will exceed the sum appropriated by this act by more than twenty-five thousand dollars ; and all contracts made in violation of this section shall, as to the state, be utterly null and void.

SEC. 12. The sum of ninety thousand dollars is hereby appropriated to pay for the work and materials necessary for the prosecution of the work hereby directed to be executed during the current year, which shall be drawn from the treasury on the warrant of the auditor of state, in favor of the person or persons to whom the same is due, or his authorized agent. But no such order shall be drawn by the auditor unless to pay for work actually done, or materials delivered, an account of which, duly certified by the acting commissioner and architect shall have been delivered to said auditor.

Appropriation

SEC. 13. That said commissioners, a majority of whom shall always constitute a board capable of doing business, shall keep a full and true record of all the proceedings, and an account of all money and labor appropriated and expended, an account of the expenses of each commissioner, the name and compensation of each agent or clerk by them employed or under their control, the compensation of the acting commissioner and architect, the kind of service performed, the total amount expended for the last fiscal year, and annually, by the fifteenth day of December, report the same to the governor, which shall be laid before the general assembly by the governor.

Records, accounts and report of commissioners.

SEC. 14. The acting commissioner and architect shall receive a reasonable compensation out of the state house fund ; the amount to be fixed and determined by the commissioners aforesaid.

Compensation of acting com. and architect.

SEC. 15. That the act entitled "an act to provide for the more efficient and expeditious completion of the new state house," &c., passed March 18, 1852, be, and the same is hereby repealed.

Act repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Curwen's R. S. 2486. Supplementary to an act entitled "an act to prevent nuisances," passed February 28, 1831.

Distillery hog pens. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any owner or owners, lessee or lessees, occupier or occupiers, foreman or superintendent of any distillery in this state, who shall keep any hogs or other animals, shall suffer or permit such distillery or the place or places where such hogs or other animals shall be kept, to remain unclean, between the first day of April and the first day of October of any year, to the annoyance of the citizens of this state or any of them, every person so offending shall forfeit and pay for every such offence, a sum not less than five dollars nor more than fifty dollars, together with costs of suit. And if said nuisance be not removed and abated within five days after the institution of such suit, the continuance of such nuisance shall be deemed a second offence against the provisions of this act; and every like neglect of each succeeding period of five days, shall be considered an additional offence against the provisions of this act.

Prosecutions. SEC. 2. That all offences against the provisions of this act shall be prosecuted by action before a justice of the peace of the township wherein such nuisance may be situate, in the name and for the use of such township; and all forfeitures and penalties accruing under this act, shall be paid into the treasury of the proper township for the use of the poor thereof.

In force. SEC. 3. This act shall take effect from the day of the passage thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS. H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

Curwen's R. S. 1756. Supplemental to the act entitled "an act to enable the trustees of colleges, academies, universities, and other institutions for the purpose of promoting education, to become bodies corporate," passed April 9, 1852.

Enabling colleges and schools to increase the SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any college, university, academy, seminary, or other institution devoted to the promotion of educa-

tion, now existing by virtue of any special act of incorporation, or organized under the provisions of the act to which this is supplemental, whose property is derived and held by donation, gift, purchase, devise, or gratuitous subscription, and the amount of which, or the income arising therefrom, is limited by such special act or by the articles of association adopted by such institution, may receive, acquire, possess, and hold, an amount of property, real, personal, or mixed, over and above the amount so limited, the income of which, together with that of the amount so limited, shall not exceed twenty-five thousand dollars annually; and may, by its trustees, sell, dispose of, and convey the said property: provided, the same be not diverted from the express will of the donor, deviser, or subscriber.

am't of their
real estate.

Sec. 2. Before any college, university, academy, seminary, or other institution specified in the first section of this act, shall be authorized to acquire and hold such additional amount of property as therein provided for, the trustees thereof at a regular meeting of their board, or at a special meeting called for that purpose, shall make out and sign a statement, specifying the amount of such additional property which they may seek to hold, over and above the amount limited in the special act of incorporation, or the articles of association aforesaid, and shall set forth therein the purposes to which such property is to be devoted; which statement shall be entered at large upon the record book of said trustees, and be deposited in the office of the recorder of the proper county, and be by him recorded in the same manner as the articles of associations are required to be recorded, by the act to which this is supplementary.

Previous pro-
ceedings.

N. H. VAN VORHES,
Speaker of the House of Representatives.

THOMAS H. FORD,
President of the Senate.

April 9, 1856.

AN ACT

Providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerk of each house shall keep a journal of the proceedings thereof, which shall be read and corrected in the presence of the house: after being read and cor-

Journals of
houses.

rected, the proceedings of each day shall be attested by the respective clerks, and each journal shall be recorded in a book to be furnished to each clerk for that purpose by the secretary of state. After the journals are recorded in these books said books shall be deposited with the secretary of state, who shall carefully preserve the same, and said records shall be considered the true and authentic journals. The original daily journals as kept, corrected and attested, shall be delivered by the respective clerks to the printer of the journals, for his use in printing the same; and each clerk shall read and correct the proof-sheets of the journal kept by himself, carefully comparing the printed copies with the record above provided for, and correcting all errors in such printed copies.

What journals shall not contain.

SEC. 2. No executive message, address or communication of any state officer, or board of officers, no report of the superintendent or other officers of any institution or building, no petition or memorial, no argumentative or voluminous report of any standing or select committee of either house, or joint committee of both houses, no special report of any officer or board of officers, made in reply to any resolution of either house, or in reply to any joint resolution of both houses, nor any other long or voluminous document, except amendments to the constitution and to bills and resolutions, and the protests of members of either house against any act or resolution thereof, shall be entered upon the journals or recorded in the record provided for in the foregoing section.

Appendix.

SEC. 3. The journals shall be printed as kept and recorded, and to each printed journal there shall be an appendix in which shall be printed all such petitions and memorials, and all such reports of committees, and all such special reports, and communications of all officers, or boards of officers, as may be laid before either or both houses; and all such other papers and documents (except the report of the state board of agriculture) as may be laid before either or both houses in writing, unless the printing thereof is otherwise provided for in this act, provided that no paper or document shall be printed in either appendix unless the house before which such paper or document shall be laid shall expressly order the same to be printed in the appendix of the journal of such house; and if any paper or document be laid before both houses and be ordered to be printed by both houses, the same shall be printed only in the appendix to the senate journal. The abstract of votes for governor and other state officers shall be printed in the appendix to the senate journal, and the standing rules in the appendix to each journal without an order by either or both houses.

Papers and documents.

SEC. 4. Each clerk shall carefully preserve, during the session, all such papers and documents as may be laid

before the house of which he is clerk, and such of them as may be ordered by such house to be printed, he shall forthwith deliver to the printer for his use in printing the same, and the printer shall immediately print two hundred and forty copies of the same, of which number each of the executive officers shall receive one, and the librarian five, which he shall preserve. No extra copies of any such paper or document shall be printed except the same be ordered by joint resolution, passed within ten days of the day on which the two hundred and forty copies of the same are printed and delivered to the clerks, and if extra copies be so ordered, the printer shall print the same without any charge for composition for such extra copies. Each clerk shall keep a correct list of all papers and documents of which extra copies shall be ordered to be printed, and also of all such as may be ordered to be printed in the appendix to the journal of the house of which he is clerk, and shall furnish the printer with copies of such lists whenever requested by the printer so to do, and if any such paper or document be ordered to be printed in the appendix to either journal before the same is delivered to the printer, the clerk having charge of the same shall endorse upon it, before sending it to the printer, these words—"ordered to be printed in appendix"—and if any such paper or document be ordered to be printed in either appendix within ten days after the same has been printed for the use of the general assembly, then no charge for composition shall be made for printing the same in the appendix.

SEC. 5. The clerks shall correct the proof of all such papers and documents as may be ordered by either house to be printed. The clerks shall each make out a correct index of the journal kept by himself, and also of its appendix, and deliver the same to the printer, who shall print the same at the close of the appropriate volume. They shall each, in like manner, make out an index to the recorded journals and deliver the same to the secretary of state, who shall preserve the same with said recorded journals.

Correction of
proof and in-
dexing.

SEC. 6. All county, township, city and village officers, and all officers and boards of officers of all state institutions and buildings, and all officers connected with the public works of the state, and all corporations (except such as by their charters are required to make their reports at some other specified time) which are now or may hereafter be required by law to make annual reports for any purpose to any state officer or officers, shall make out the same on or before the fifth day of November of each year, and forthwith transmit the same to the proper officer or officers. For the purpose of making out all such reports as come within the provisions of this section, the year shall begin on the

Reports of va-
rious officers.

first day of November of each year, and end on the last day of October of the succeeding year: Provided that the school year shall begin on the first day of September annually, and close on the last day of the following August; and all school officers and township officers acting as such, who are or may be required to make annual reports to the county auditor, shall make out the same and transmit them to the county auditor, on or before the first day of October following the expiration of the school year.

• Reports of
state officers.

SEC. 7. All state officers and boards of officers, and the officers of all such institutions and buildings as are now or may hereafter be required to make annual reports to the general assembly, or to the governor, shall hereafter make such reports to the governor on or before the twentieth day of November of each year, and the governor shall cause the same to be printed as soon thereafter as practicable by the printer having the contract for this branch of the public printing, and the governor shall lay before the general assembly all such reports in printed form at the same time that he lays before it his regular message. But nothing in this section, or in this act, shall be held to modify in any respect the existing laws in relation to the annual report of the state board of agriculture.

Numbers of
documents
printed.

SEC. 8. There shall be printed under the provisions of the foregoing section, in pamphlet form, and covered in brochure covers, for the purposes in this section specified, the following numbers of each of the following documents, to wit: of the following annual reports, to wit: auditor of state—for the auditor, 500 copies, for the general assembly, 4000 copies: secretary of state—for the secretary, 500 copies, for the general assembly, 2000 copies: treasurer of state—for the treasurer, 300 copies, for the general assembly, 2000 copies: attorney general—for the attorney, 300 copies, for the general assembly, 2000 copies: commissioner of common schools—for the commissioner, 5000 copies, for the general assembly, 2000 copies: board of public works—for the board, 500 copies, for the general assembly, 2000 copies: commissioners of the sinking fund—for commissioners, 300 copies, for the general assembly, 2000 copies: penitentiary—for the officers of the penitentiary, 500 copies, for the general assembly, 2000 copies: state house commissioners—for the commissioners, 200 copies, for the general assembly, 1000 copies: lunatic asylum at Columbus—for the asylum, 1000 copies, for the general assembly, 4000 copies: lunatic asylum at Dayton—for the asylum, 500 copies, for the general assembly 2000 copies: lunatic asylum at Newburg—for the asylum, 500 copies, for the general assembly, 2000 copies: institution for the blind—for the institution, 1000 copies, for the general assembly, 3000 copies: institution for the deaf and dumb—for the in-

stitution, 1000 copies, for the general assembly, 3000 copies : state librarian—for the general assembly, 240 copies : auditor of state's detailed statement of the receipts and expenditures of the public money—for the executive office of the state, 500 copies, for the general assembly, 1500 copies.

Sec. 9. All regular messages of the governor, and all inaugural addresses of the governors elect, shall be printed in pamphlet form, and there shall be printed in such form for the governor delivering such message or address, 500 copies thereof, and for the general assembly 2000 copies, without any order by either or both houses for the printing thereof; and the clerks shall deliver such messages and addresses to the printer forthwith after the delivery thereof, and the clerks shall read the proof-sheets of the same, and see that they are printed correctly.

Messages and inaugural addresses of governors

Sec. 10. At the same time that the documents mentioned in the two preceding sections shall be printed in pamphlet form, there shall be printed, on the same type on which said pamphlet form of said documents shall be printed, three thousand copies of each document named in said two preceding sections, which shall be bound together in a volume, which shall be styled "executive documents." The paging of said documents shall be consecutive. The secretary of state shall make out an index of said volume of executive documents, which he shall deliver to the printer, who shall print the same at the close of said volume. There shall be no charge for composition for printing the three thousand copies of said documents, and none of them shall be printed otherwise than is provided in this and the two preceding sections of this act.

Executive documents.

Sec. 11. There shall be three thousand copies of each journal and appendix printed. There shall be twenty-five thousand copies of the laws and joint resolutions printed, and all the laws, local and general, and joint resolutions printed, shall be bound in the same volume. If any year there shall be no session of the general assembly, the documents printed under the provisions of the 7th, 8th and 10th sections, shall be distributed according to the provisions of the 14th section. The pamphlets named in the 8th section printed for the general assembly, shall be divided equally among the members, and the number which any member shall be entitled to receive shall be boxed up with the volume of executive documents, and sent therewith to the county seat of the county in which the member resides. Provided that there shall be printed four thousand copies of the journals, appendixes and executive documents of the present session.

Number of copies to be printed.

Sec. 12. Each member and officer of the general assembly, for himself, and each clerk of each court of record, and each county auditor for the use of their offices respectively,

Who entitled to documents and laws.

and each township clerk for the use of the people of his township, shall be entitled to one copy of each journal and appendix, and the volume of executive documents. Each university, college, academy, or other literary institution, which now is, or may hereafter be established in this state, shall be entitled to one copy of the laws passed at each session of the general assembly, and also to one copy of each journal and appendix, and one copy of executive documents.

Who entitled
to laws.

SEC. 13. Each member and officer of the general assembly, for himself, each judge, and each clerk of every court of record, each justice of the peace, constable, township trustee, township clerk; each mayor, auditor, treasurer clerk, recorder, (or trustee of any ward) in any city or incorporated village; each county auditor, treasurer, recorder, sheriff, prosecuting attorney, commissioner of insolvents, surveyor, coroner, infirmary director, and county commissioner, shall be entitled to receive one copy of the laws passed at each session of the general assembly for their use while filling such offices; but every such officer, (except members and officers of the general assembly) as may by virtue of his office receive a copy of the laws, journals or executive documents for his use, while filling such office, shall deliver the same to his successor in office for his use while filling such office, and if any such person shall refuse, on demand being made, to deliver them to his successor in office, such person so refusing shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action brought by the successor in office of such person, in the name of the state of Ohio, (for the use of the county where such action is brought) before any justice of the peace of such county.

Laws and
documents to
be sent to au-
ditors of coun-
ties.

SEC. 14. The secretary of state shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each to which each county may be entitled, together with such number of extra copies of the laws for sale as he may deem sufficient to supply the demand for the same, and forward the same by public conveyance to the auditor of the county. If any county seat be so situated that the laws, journals and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the secretary of state shall notify the county auditor, in writing, of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Columbus to such county seat; and he shall take triplicate receipts therefor, one of which he shall file with the county

Charges—
how paid.

auditor and the other two he shall forward to the secretary of state, one of which he shall file with the auditor of state, who shall thereupon issue his warrant on the treasurer of state for the amount thereof, who shall pay the same to the treasurer [secretary] of state out of any money appropriated for that purpose, which may be in the treasury, and the secretary of state shall remit the same to the county treasurer.

SEC. 15. The county auditor shall deliver the laws, journals and documents, to such persons and institutions as may be entitled to receive them; when so requested to do, and shall take receipts therefor, and file the same in his office, subject to inspection. All such copies of the laws as may be forwarded to any county for sale, shall be delivered by the auditor to the clerk of the court of common pleas, and the auditor shall take his receipt therefor, and file the same with the receipts aforesaid; and the auditor shall likewise charge the said clerk with such laws, in a book kept for such purposes in his office, at the actual cash cost of the same, which actual cost shall be ascertained by the secretary of state, who shall notify the county auditor thereof, and the clerk shall sell said laws at the actual cost, and quarter yearly after he has received the same, shall pay all moneys which may come into his hands from such sales into the county treasury, and all such moneys shall be considered a part of the general revenue of the county. All copies of the laws which shall not be disposed of to persons or institutions entitled to the same, or which may not be sold, shall be carefully preserved by the clerk, to be delivered to the officers of any new township, or newly incorporated village, or to such officers entitled thereto as may by any unavoidable accident have lost their copies of the same.

Auditor to deliver laws and documents to the proper persons.

SEC. 16. The secretary of state shall deliver to the governor, for his own use, two copies of the laws, and one copy of the journals and documents; he shall deliver to the auditor of state, and treasurer of state, each, three copies of the laws and one of the journals and documents; to the attorney general, each state house commissioner, each trustee or superintendent of any state benevolent institution, each director and warden of the penitentiary, each member of the board of public works, each member of the state board of agriculture, one copy of the same; and the commissioner of common schools shall receive the same; and the secretary of state shall furnish the governor with such number of copies of each as will be necessary to furnish each state and each of the departments of the general government of the United States with a copy; and the secretary of state shall furnish the state librarian with five copies of each for the use of the library.

Copies of laws and documents to be delivered to state officers, &c.

Binding.

SEC. 17. The journals, executive documents, and laws required by this act to be printed and put up in book form, shall all be bound in half law binding, and each journal and its appropriate appendix shall be bound in the same volume, unless in the opinion of the secretary of state the same shall make a volume too large for convenience, in which case each journal shall be bound separately, and the appendixes shall be bound separately or together, as the secretary of state may direct.

Undistributed documents.

SEC. 18. All copies of the journals, executive documents and laws which shall not be distributed under the provisions of this act, shall be preserved by the secretary of state subject to future distribution by law.

Acts repealed.

SEC. 19. The act entitled "an act to provide for the preservation and safe keeping of the journals of the general assembly," passed January 21, 1839, and the act entitled "an act to provide for the distribution and safe keeping of the laws and journals," passed January 12, 1853, are hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

In addition to the several acts in relation to the courts of justice and their powers and duties.

Court of common pleas may enjoin illegal taxation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the courts of common pleas shall have jurisdiction to enjoin the illegal assessment of taxes, and the collection of taxes illegally assessed; and of actions to recover back the amount of such taxes as may have been or shall hereafter be collected without regard to the amount thereof.

Actions—against whom brought.

SEC. 2. Actions to enjoin the illegal assessment of taxes shall be brought against the county auditor, and also against any municipal corporation for whose use or benefit the assessment may be made; where such assessment may not go on to the county duplicate, the actions shall be against the corporation making the same; actions to enjoin the collection of taxes shall be brought against the officer having the collection thereof; and actions to recover back such taxes after the collection of the same against the officer

making the collections; or, in case of his death, against his personal representatives; and where the taxes are not collected on the county duplicate, the corporation making the assessment shall also be made defendant; but no recovery shall be had unless the action be brought within one year after the taxes shall have been collected.

SEC. 3. When an action shall be brought to enjoin the collection of taxes, bond shall be given as in other cases; if the plaintiff shall admit a part of the taxes to have been legally assessed, he shall first pay or tender the sum admitted to be legally due; and the injunction shall be a sufficient justification of the officer having the collection of such taxes for not collecting the same. Bond.

SEC. 4. A petition in error, in the nature of a bill of review, may on leave of the supreme court, or any judge thereof, be filed in the supreme court to reverse or modify any decree in chancery that heretofore has been or that hereafter shall be rendered in any district court in this state in which the title to real estate is in controversy, or the amount in controversy is not less than five hundred dollars, and the proceedings upon said petition in error shall in all respects be governed by the act of the general assembly of the state of Ohio, passed February 24, 1848, entitled "an act to dispense with the necessity of copying the papers in bills of review and for other purposes," and the act of March 18, 1851, entitled "an act to amend the act directing the mode of proceeding in chancery;" provided, however, that the provisions of this section shall not extend to suits that shall have been commenced since the first day of July, A. D. 1853; and provided, also, that said petition in error shall be filed within three years from the time of the rendition of said decree so sought to be reversed or modified. Petition in error to supreme court.

SEC. 5. Whenever, in the opinion of any judge of the court of common pleas the public interests shall require it, the said court shall appoint an assistant prosecuting attorney to aid in the prosecution of such offence as to the court shall seem proper, and the county commissioners shall pay for the services of such assistant prosecuting attorney so rendered, such compensation as to them shall seem just and proper, and shall be approved by the court. Assistant prosecuting attorney.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN AOT

Curwen's R.
S. 1877.

To amend the act entitled an act for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852.

Road companies may transfer part of their roads or bridges to municipal corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any turnpike, bridge, plank road or railroad company, any part of whose road or bridge is, or hereafter may be, or become embraced within the corporate limits of any city, town or village, to contract with proper authorities of such city, town or village, or of the township or county in which the same is situated, for the disposal, release and abandonment of such part of their road or bridge for such compensation and terms as may be agreed upon between the directors of such company and such authorities. And any such contract heretofore made shall be as good and valid in law, to all intents and purposes, as if made under and by virtue of this act.

May remove toll gate.

SEC. 2. It shall furthermore be lawful for any such turnpike or plank road or bridge company, in case their toll-gate be upon the part of their road so abandoned or disposed of, to remove such toll-gate to any point on their road not within eighty rods of the incorporated limits of such city, town or village, and there maintain such toll-gate with the same rights as before. This act shall be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President pro tem. of the Senate.

April 11, 1856.

AN AOT

Prescribing the duties of the commissioners of the sinking fund in certain cases.

Transfer agent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the commissioners of the sinking fund to select and appoint some suitable and responsible person who shall during his continuance in office reside in the city of New York, or some bank or other moneyed institution keeping an office in the city of New York, to be denominated "Transfer Agent," and who shall act as agent of the state, under the direction of said commissioners, for paying such part of the principal and

interest of the state debt as is or shall be payable in the said city, and also for issuing and for transferring certificates of such indebtedness; and to require of the agent such security as in their judgment may be sufficient to indemnify the state against any loss or damage resulting from the neglect of duty or malfeasance of such agent. But no such appointment shall be held to have been made until the name of the person, bank or other institution proposed to be appointed, and the character and amount of the security required shall have been submitted to and approved by the senate.

SEC. 2. Every "transfer agent" appointed under the provisions of this act shall hold such appointment during the pleasure of the commissioners—subject, however, to be removed by a resolution of the senate; it shall moreover be the duty of the commissioners to remove any such agent whenever they shall believe the interest of the state requires such removal. Whenever any agent shall be removed, the commissioners shall immediately appoint, with the approval of the senate, if in session, another in his place; but if the senate be not in session when such appointment shall be made, the same shall be submitted to the senate for their approval within five days after the commencement of their next session, and no agent appointed during the recess of the senate shall hold such appointment longer than twenty days after the commencement of the next ensuing session unless approved by the senate.

Appointment
and removal.

SEC. 3. The commissioners of the sinking fund shall designate some suitable place in the city of New York, where the business of the agency prescribed by this act shall be transacted, and shall give proper public notice thereof.

Office of
agency.

SEC. 4. All moneys appropriated or intended by law, or by the commissioners of the sinking fund for the payment of interest or principal of the foreign debt of the state, or to be invested in stocks or bonds for the benefit of the sinking fund, if deposited or kept elsewhere than in the state treasury at Columbus, shall be deposited in some bank or banks or other moneyed institution or institutions of established credit and undoubted pecuniary responsibility in the city of New York, and shall there remain unless withdrawn for the purpose of being immediately deposited in some other bank or institution of equal responsibility in the city of New York, or in the state treasury at Columbus, until the same shall be required for the payment of the principal or interest of the state debt, or for investment as provided by law, and until such moneys shall actually be paid out for such purpose or purposes, and said commissioners shall, if they deem it necessary, take such good and sufficient secu-

Where mo-
neys of sink-
ing fund to be
deposited.

rity as they may deem proper to secure the repayment of said moneys, which shall be taken in the name of the state of Ohio and deposited in the office of the auditor of state.

How payments to be made.

SEC. 5. All payments made by the transfer agent, whether on account of interest or principal of the state debt, or for investments of the sinking fund, shall be made by draft or check on a bank or other institution where money shall have been deposited for the purpose of making such payments; and every such draft or check shall be made payable to the person entitled or duly authorized to receive such payment or to his order, and shall specify the claim or debt for which payment is so made.

Appropriations of sinking fund moneys.

SEC. 6. The commissioners of the sinking fund shall, from time to time, as the same shall become necessary, appropriate of the moneys belonging to the sinking fund, such sums as may be sufficient to pay the interest on the foreign debt of the state—the principal of such part thereof as shall at any such time be about to fall due, and such sum as they may deem expedient to invest in purchasing such bonds, stocks or other public securities as they may be by law authorized to purchase for the benefit of such fund, and shall order the depository or depositories of the moneys belonging to the sinking fund of the city of New York to pay to the person legally authorized to receive such payment the checks or drafts drawn by the transfer agent in accordance with the provisions of the fifth section of this act.

Registrar of state stock.

SEC. 7. The commissioners of the sinking fund, as soon as convenient after the passage of this act, shall appoint some suitable person of established reputation for integrity and correct business habits, who shall keep his office at some convenient place in the city of New York, and who shall in no way be related to nor connected in business with the transfer agent, to be denominated the "Registrar" of state stock, and whose tenure of office shall be the same as that of the transfer agent.

Duties of registrar.

SEC. 8. It shall be the duty of the registrar personally to examine every certificate of state stock issued by the transfer agent, and every certificate surrendered to such agent, whether for the purpose of transferring such stock or any part thereof to a different owner; or for the purpose of dividing or of consolidating the stock represented by one or more certificates, and to keep an accurate registry or account of all such certificates issued or surrendered in a book or books to be provided therefor, in such forms as the commissioners of the sinking fund shall prescribe.

Verification of certificates.

SEC. 9. All certificates of state stock, whether of new stock or of stock transferred, or certificates issued in lieu of certificates surrendered, lost or destroyed, issued by the transfer agent on or after the first day of May next, shall

be verified by the registrar, who, for that purpose, shall sign his name conspicuously on each of such certificates immediately under the word "registered," and no certificate of state stock issued by the transfer agent, on or after the said first day of May next, shall be held valid and binding on the state unless it shall be so verified, and the commissioners of the sinking fund shall immediately after the appointment of a registrar, give public notice by publication in at least one newspaper published in each of the cities of New York and London, and of general circulation therein, of the requirements contained in this section.

SEC. 10. No certificate of new stock shall be executed or issued by the transfer agent, nor verified by the registrar unless in accordance with the written orders and instructions of the commissioners of the sinking fund, a copy of which shall have been delivered to such agent and a copy to such registrar—and no certificate of stock shall be so issued by the transfer agent in place of any certificate or certificates previously issued for the purpose of transferring the same, or for any other purpose, unless certificates previously issued of stock to an equal amount, bearing the same rate of interest and payable at the same time, as the new certificate or certificates so to be issued be surrendered and cancelled, except in cases of the loss or destruction of certificates previously issued, as hereinafter provided—nor shall the registrar verify or sign any certificate of stock issued in violation of the provisions of this section.

Certificates of new stock.

SEC. 11. Before the registrar shall verify, by his signature, any certificate of state stock, in place of any certificate or certificates surrendered, he shall write in large and legible characters on the face of the certificate or certificates surrendered, the word "cancelled," and immediately under said word, affix the date of such cancellation, and subscribe his name thereto.

Cancellation of surrendered certificates.

SEC. 12. Whenever satisfactory proof shall be made to the commissioners of the sinking fund, or to the acting commissioner of said fund that any certificate or certificates of the foreign stock of the state shall have been lost or destroyed, and of the amount and particular kind of stock represented by the certificate or certificates so lost or destroyed, and of the legal and equitable ownership thereof, said commissioners or acting commissioner may, at his or their discretion, give written orders to the transfer agent and the registrar to issue and verify a new certificate or new certificates of an equal amount of stock of the same description as the stock described in the certificate or certificates so lost or destroyed, and to deliver the same to the owner of the certificate or certificates so lost or destroyed, his legal representatives, agent or attorney, taking good and

When certificates are lost or destroyed new certificates to issue.

sufficient security from him or them, to save the state harmless from any loss or injury consequent upon the issuing of such new certificate or certificates, the proof required by this section shall be reduced to writing and carefully preserve in the office of the auditor of state.

How certificates signed.

SEC. 13. Each certificate of the stock or funded debt of the state shall be signed by the acting commissioner of the sinking fund, and also by the transfer agent issuing the same, which transfer agent shall affix his signature thereto, at the time of issuing such certificate, and not before; Provided, that if any banking or other institution shall be selected and appointed such transfer agent, such institution may appoint some suitable officer or clerk to perform on behalf of such institution, the duties of the transfer agency, but such appointment shall in no wise release or diminish the liabilities of such agent to the state.

Compensation of transfer agent and registrar.

SEC. 14. The commissioners of the sinking fund shall, from time to time, make such compensation or allowance to the transfer agent and to the registrar as they shall deem a fair compensation for the services by them respectively rendered, and no more, to be paid on their order out of the sinking fund, and the whole amount of interest paid by any depository of the sinking fund, or any part thereof, shall, immediately on the receipt or liquidation thereof, and at least as often as once in every six months, be paid over, or carried to the credit of the sinking fund.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

April 9, 1856.

AN ACT

Curwen's R.
S. 1819.

To amend the fifth section of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852.

Sec. amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, be so amended as to read as follows: Section 5. When the panel is so filled, the probate judge shall personally inquire of each juror whether he is interested in such corporation, either as owner, stockholder, agent or attorney, or

Interested jurors.

in any other manner, and if any juror shall answer such question in the affirmative, such juror shall be excused from serving, and the panel shall be filled by the sheriff, with talesmen, as in other cases; and when the panel shall be full, the probate judge shall administer the following oath: You and each of you, do solemnly swear (or affirm) that you will justly and impartially assess, according to your best judgment, the amount of compensation which is due to [here name the owner or owners] by reason of the appropriation of the property to the use of [here name the corporation] in the proceedings now pending, irrespective of any benefit from any improvement proposed by such corporation, and you do further swear (or affirm) that you will, in assessing any damage that may accrue to [here name the owner or owners] by reason of the appropriation, other than the compensation further ascertain how much less valuable the remaining portion of said property will be in consequence of such appropriation; this you swear as you shall answer to God, (or affirm under the pains and penalties of perjury.)

Oath to jury.

SEC. 2. Each application shall constitute but one proceeding, though several properties and party owners are named. The officers, jurors and witnesses shall only be entitled to single fee, and there shall be but one cost bill taxed against such corporation.

Fees & costs.

SEC. 3. That original section five of the act aforesaid be, and the same is hereby repealed.

Sec. repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Supplementary to an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852.

Curwen's R.
S. 1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any incorporated city, whether of the first or second class, may, whenever in their judgment it may be expedient or necessary, lease or dispose of in such manner as may be provided by ordinance of said city council, any real estate or buildings acquired by purchase or construction, belonging to said corporation, and the

City councils
may grant
real estate be-
longing to the
corporation.

Provisos.

fund arising therefrom shall be paid into the city treasury to the credit of the particular fund for which such property was originally acquired, if there be any such fund, and if no such fund exist, then to the general fund of such city ; Provided that no sale of school property shall be made by said city council, except on recommendation of the board of education in said city, and of wharves, market spaces, parks, or public grounds, except upon the recommendation of the board of city improvement, in cities of the first class, and of property acquired for infirmity purposes, or house of refuge, on recommendation of the directors of infirmity or house of refuge, and of property acquired for purposes of water works, on recommendation of trustees of water works ; and provided further, that no real estate or buildings thereon, devoted to hospital purposes, or other like benevolent institutions, shall be sold or disposed of under any of the provisions of this act.

Sec. amended

City councils may establish houses of refuge and of correction.

SEC. 2. That section 78 of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 2, 1852, be so amended as to read as follows : The city council of any city shall have power to erect, establish and maintain and regulate, either within its limits, or within the county in which it may be situated, a house of refuge or a house of correction and a work house, or either of them, (which may all be in one building, or in any number of buildings as said council may deem expedient and necessary,) and place the same under the management and control of such directors, superintendents and other officers as the council may by ordinance provide. All children under the age of sixteen years who shall be convicted of any offence, made punishable by imprisonment, under any ordinance of the city, or who shall be liable to be committed to prison under any such ordinance, may be confined in such house of refuge, and may be there kept or apprenticed out, under such rules and regulations as the directors of the house of refuge may prescribe, until they arrive at the age of eighteen years, and it shall, and may be lawful for the directors of any such house of refuge to receive and take charge of any children who may be committed to their custody by the court of common pleas or any judge, justice of the peace, or other officer, under any law of the state, any person over the age of sixteen years, convicted of a violation of any ordinance and liable to be punished therefor, by imprisonment, or who may be liable to imprisonment for neglect or refusal to pay a fine imposed for the violation of any city ordinance, may in lieu thereof be committed to the house of correction, or to the work house, and put to hard labor in such manner as may be prescribed by ordinance of said city council.

SEC. 3. That in any city where water works have heretofore, or may hereafter be constructed, whenever in the judgment of the city council it shall become necessary to adopt a system of sewerage and construct main sewers in connection therewith, for the purpose of relieving the said city of surplus water and filth accumulating, it shall and may be lawful for the said city council, on the recommendation of the board of city improvements, (if in a city of the first class,) to construct main sewers in such streets as the said board of city improvements shall designate, and, for the purpose of defraying the expenses thereof, to contract loans and issue their bonds therefor, in any sum not exceeding one hundred thousand dollars, (\$100,000) and payable at such time not exceeding twenty (20) years, and with such rate of interest thereon, not exceeding seven per cent. per annum, as such city council may by ordinance provide: Provided, that in all cases before the said council shall be authorized to negotiate any loans for the purposes aforesaid, they shall submit to the qualified electors of any such city, at any annual state or municipal election, a proposition for and against the same, which shall receive the affirmative vote of a majority of all the votes polled at any such election, and such votes shall be deposited in a separate box.

Sewerage in cities provided with water works.

SEC. 4. That where it shall be deemed necessary, by any municipal corporation, to improve any street, alley or public highway, or any part thereof, within the limits of such corporation, by grading, paving, draining, or other improvements, and for the purpose of defraying the expense thereof, to assess and collect a charge or tax on the owner or owners of any lots or lands, or on the lots or lands by, or through which such street, alley or highway, or the part thereof to be improved, shall pass, it shall be lawful for such municipal corporation to enumerate, as a part of the legitimate expense of such grading, paving, draining or other improvement, the damages that will be occasioned to any owner or owners of any lots or lands bounding or abutting upon such street, alley or public highway, or part thereof, in consequence of such proposed improvement, to be ascertained as hereinafter provided. And it shall be the duty of such municipal corporation to require their clerk to publish notice of their determination to grade, pave, drain or otherwise improve such street, alley or public highway, or the part thereof to be improved, for four consecutive weeks, in some newspaper of general circulation, published in such city, briefly describing the character of such improvement, and any owner or owners of lots or lands bounding or abutting on such street proposed to be improved, claiming damages therefor, shall be required to file such claim in writing with said city clerk, setting forth the amount of damages by him,

Improvement of streets and alleys.

Damages to owner of lands through or by which the highway runs

Jury to assess
damages.

her or them claimed, within two weeks after the expiration of the time required for the publication of said notice, and all such owners as shall fail or neglect to file their claims for damages, as aforesaid, within the time aforesaid, shall be taken and deemed to have waived the same, and be forever barred from filing any claim for, or the receiving of any damages therefor, and it shall be the duty of the mayor of such city, where claims for damages as aforesaid are filed with the city clerk, within the time aforesaid, to make written application to the probate judge of the county within which such city is situated, to summon a jury of twelve disinterested freeholders, resident within such city, to assess the amount of damages in each particular case where claims have been filed as aforesaid, and it is hereby made the duty of such probate judge to direct the summoning of a jury, as aforesaid, in the same manner as juries of the probate court are usually summoned, and fix the time and place for the inquiry and assessment of such damages. The jury shall be sworn to inquire and assess the actual damages in each case separately, under such rules and instructions as shall be given them by the court, and when the jury cannot agree they may be discharged in the discretion of the court and a new jury summoned, which shall be sworn as aforesaid; but in no case where said jury do not agree shall they be allowed fees—(the finding of the jury shall be final, from which there shall be no appeal,) and it shall be the further duty of the court to furnish the amount of damages and costs in each case, to the city clerk on application, except in cases in which the jury find no damages, in all such cases the costs of the inquiry shall be taxed against the claimant and recoverable on execution; which said amount of damages and the costs consequent thereon so found as aforesaid, it shall be lawful for the city council to add to the estimated amount of the expense of such grading, paving draining, or other improvement proposed to be made on such street, alley or public highway, or the part thereof to be so improved, or the damages and costs so found, if the equity of the case in the opinion of the city council demands it, may be assessed on all the lots or lands bounding and abutting on the whole street, alley or public highway, or on the owners thereof, and the estimated expenses of the improvement, except such damages and costs shall be assessed on that portion of the street, alley or public highway to be improved; and the said city council may, as soon as practicable, by ordinance, levy and assess a tax to defray all the expenses consequent on such improvement, on the owner or owners of lots or lands, or on the lots or lands by or through which such street, alley or public highway shall pass, according to the true intent and meaning of

this section, either by the foot front of the lots or lands bounding and abutting thereon or according to the value of such lots or lands as assessed for taxation, under the general law of the state, as the said city council may in each case determine : Provided, that in no case shall the tax levied and assessed upon any lots or lands for any improvement authorized by this section, amount to more than fifty per centum of the value of said lot or land, to be estimated after the said improvement has been made, and all the cost of the said improvement exceeding the said per centum, that would otherwise be chargeable on said lot or land, shall be paid by the municipal corporation out of its general revenue.

Proviso.

SEC. 5. That it shall and may be lawful for any municipal corporation, before causing to be certified to the auditor of the county, the per centage by them levied on the real and personal property in said corporation appraised and returned on the grand levy as authorized and required by the 25th section of an act entitled "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, to agree with the county treasurer by whom said tax is to be collected, for the compensation to be paid him for such collection, and the treasurer of the county shall pay over to the treasurer of such municipal corporation, any and all moneys received for taxes for the use of such municipal corporation quarterly on the first days of January, April, July and October, in each and every year, and in case no such special agreement is made with the county treasurer, by such municipal corporation, for such service, the said county treasurer shall receive such compensation for collection of taxes as is now, or may hereafter be prescribed by law for the collection of other taxes, or the said municipal corporation may provide by ordinance for the appointment and regulation of the necessary officers to collect taxes as is now authorized, or may hereafter be, by law.

Compensation of county treasurer for collection of municipal taxes.

SEC. 6. That where it shall be deemed necessary by any city council of cities of the second class to construct or repair any sewer or drain by special assessment, it shall be lawful for such city council to provide for assessing the expense of such work upon the feet front or according to the valuation or according to benefits, as they shall deem most equitable in each particular case ; and if they determine to defray the expense of such work by an assessment according to benefits, they shall appoint three judicious disinterested freeholders, who shall assess the estimated expense of such projected improvement or repair on such real estate as will, in their opinion, be directly benefited thereby, whether fronting on the public ground or highway in which

Special assessments for sewerage.

the improvement or repair is to be made or not, in proportion, as nearly as may be, to the benefits which may result to each lot or parcel of land. The report and assessment shall be in writing, specifying the amount assessed upon each lot or parcel of land separately, and filed with the clerk of the city within such time as the council shall direct. After such assessment is filed, the council shall cause two weeks notice to be given in the official newspaper of the city, of the object of said assessment, and that such assessment will, at a time to be specified in such notice, come before the council for confirmation: objections to the assessment shall be in writing, and filed with the city clerk, and objectors may be heard before the council at the time specified in the notice. The council may set such assessment aside, on their own motion, or they may, after hearing the objections, confirm the same. If the council set the first or any other assessment aside, they may appoint other assessors of same qualification as hereinbefore provided, cause new assessments to be made, and the proceedings shall be the same as is prescribed for the first assessment. When such assessment is confirmed the council shall proceed with the work, and when the work is completed, may make a pro rata assessment upon the same property to supply any deficiency in the fund, or in case the fund raised proves too large, shall remit the excess by a pro rata deduction from the assessment so confirmed and so adjusted. The assessment shall be transferable and collectable against the owners personally or by an enforcement of the lien upon the property, assessed in the same manner and with like penalty, and interest after demand and non-payment, as in other cases of street improvement, and lighting railways by a special assessment, as the facts in such particular case may require. A concurrence of two-thirds of the members of the city council shall be necessary in every instance of appointing such assessors, confirming such assessment, and in ordering the work to be done for which such assessment shall have been made, unless two-thirds in number of the resident owners to be charged, shall petition therefor, in case the assessment is made by foot front or valuation. Provided, that in constructing said sewers, the rights of individuals in regard to the drainage or sewerage of any lot or parcel of land, shall in no wise be infringed so as to injure such individuals.

When corporate limits of city are same as those of township.

SEC. 7. That whenever the corporate limits of any city of the second class are identical with those of any township, then and thereafter the office of township trustees, township treasurer, and township clerk, shall be abolished and cease; and all of the powers and duties of trustees of townships, conferred or prescribed by law, shall vest in and

be performed by the city council, except as to binding out apprentices, and administering relief to the poor; and if such city is not already provided with an infirmary, the council shall forthwith, and from year to year, appoint one or more, and not exceeding three, directors of the city infirmary, and prescribe their duties by ordinance; and such director or directors shall be clothed with all the powers, and perform all the duties of township trustees, as to binding out and protecting apprentices, in relieving and removing paupers, and in counties having therein county infirmaries, to make orders relative to paupers; which order shall have the same validity, and be treated the same as like orders made by township trustees; also, the power of recovering, in the name of the city, such expenses as may be chargeable to other municipal corporations or persons. The duties of clerk and treasurer of such township shall be performed by the clerk and treasurer of said city respectively; all moneys collected or authorized by law to be paid to township treasurers shall be paid to city treasurer.

SEC. 8. That all the property, real and personal, together with all moneys and credits, books, vouchers, records, files, accounts, documents and bonds of an official character, held in the possession of, or under the control of said township trustees, township clerk and township treasurer, or either of them, for any purpose, whose offices are thus abolished, shall vest in such city council, and such township officers shall, when their offices have ceased, by operation of this act, forthwith deliver over to the city council of such city a full and final settlement of their accounts, together with property, moneys, credits, books, records, accounts, files, vouchers, official bonds and documents aforesaid. All suits pending and judgments recovered by, in favor of, or against any such township, together with all rights, interests, claims and demands, in favor of and against same, may be continued, prosecuted, collected and enforced by or against any such city; and all suits authorized by law to be brought by or against such township or township trustees, not consequent upon their non-compliance with this act shall be prosecuted by or against such city.

Township property, records, &c., to vest in city council.

Suits.

SEC. 9. That if the corporate limits of any city of the second class do not comprise the whole territory of any established township in which the same is situate, or if it includes territory comprised in more than one township, and the council of such city shall in either case, by a vote of a majority of the members thereof, petition the board of county commissioners of the proper county for a change of township boundaries, as hereinafter contemplated, such county commissioners may, on the presentation of such petition with the proceedings of the council, duly authenticated at

How corporate limits of city may be made to correspond with township

any regular or adjourned session, so change the boundaries of the township or townships in which such city, or the principal part thereof, shall be situated, as to make the same identical, in all respects, with the boundaries of such city; and in making such change, said board of county commissioners shall annex the surplus territory, if any, so cut off from the township thus reduced to limits identical with the city, to such other township or townships contiguous; or if such surplus shall contain sufficient territory, may erect the same into a new township, as in their opinion will best promote justice and the public convenience.

Market houses SEC. 10. That in any city of the second class, whenever in the judgment of the city council it shall become necessary to purchase grounds and erect a market house in such city, it shall be lawful for the city council to make such purchase and erect such building; and for the purpose of defraying the expenses thereof, such city council is hereby authorized to contract loans and issue their bonds therefor in any sum not exceeding twenty thousand dollars, (\$20,000) and payable at such time, not exceeding fifteen years, and with such rate of interest thereon, not exceeding seven per cent. per annum, as may be provided by ordinance.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

Supplementary to the act providing for the punishment of crimes, passed March 7, 1835.

Poisoning domestic animals. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall wilfully and maliciously, by administering poison, or causing the same to be administered, kill any horse, mare, foal, filly, jack, mule, or ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another, of the value of thirty-five dollars or upwards, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the penitentiary and kept at hard labor not more than seven years nor less than one year.

SEC. 2. That if any person or persons shall wilfully and maliciously, by administering poison, or causing the same to be administered, kill any horse, mare, foal, filly, jack, mule, or ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another, of less value than thirty-five dollars, such person or persons shall, upon conviction thereof, be fined in any sum not more than two hundred nor less than twenty dollars, and imprisoned in the cell or dungeon of the jail of the county not exceeding three months, at the discretion of the court. Same.

SEC. 3. That if any person or persons shall wilfully and maliciously administer, or cause to be administered, poison of any sort whatever, to any horse, mare, foal, filly, jack, mule, or ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the property of another, with intent to injure or destroy such horse, mare, foal, filly, jack, mule, or ass, sheep, goat, cow, ox, steer, bull, heifer, or swine, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in the sum of one hundred dollars, or imprisoned in the jail of the proper county, and fed on bread and water only, for a period not exceeding thirty days, at the discretion of the court. Intent to poison.

SEC. 4. Nothing in this act shall be construed to extend to any person who shall kill, or attempt to kill, in manner herein provided, any of the before mentioned animals trespassing in his or her enclosure. Proviso.

SEC. 5. All offences under this act shall be prosecuted and conducted before the same court and in the same manner as is or may be provided by law for the prosecution of offences of the same grade in the different counties of this state. Prosecutions.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To provide for the terms of the district courts in the several counties of the eighth common pleas district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the district court shall be holden in the several counties of the eighth common pleas district District courts in 8th district.

annually, hereafter, as follows: In the county of Tuscarawas, on the twenty-ninth day of July; in the county of Harrison, on the fifth day of August; in the county of Jefferson, on the tenth day of August; in the county of Belmont, on the seventeenth day of August; in the county of Monroe, on the twenty-fourth day of August; in the county of Noble, on the twenty-ninth day of August; in the county of Guernsey, on the first day of September; in the county of Morgan, on the eighth day of September; in the county of Muskingum, on the fourteenth day of September.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

April 11, 1856.

AN ACT

To amend the fifth [sixth] section of an act to encourage the killing of wolves, passed April 26, 1852.

Bounty for
wolf scalps.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sixth section of the act above referred to be so amended as to read: That the county commissioners of any county may increase the bounty for killing wolves over six months old, to eight dollars, and for wolves under the age of six months, to four dollars per scalp; provided such increase shall be paid out of the treasury of the proper county.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 9, 1856.

AN ACT

To authorize the holding of a special term of the district court in Mahoning county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a special term of the district court may be held in the county of Mahoning during the year 1856, at such time as the judges of the court of common pleas of the ninth judicial district, or a majority of them, may prescribe, at which term such actions as may be pending in said district court at the regular term as the said judges, or a majority of them, may assign to the special term shall be heard and tried.

Special term
of district
court in Maho-
ning county.

SEC. 2. Said special term shall be prescribed, the actions assigned thereto, and notice thereof given to the clerk of the court and the sheriff of the county, at least thirty days before the time fixed for holding the terms, and it shall thereupon, as in other cases, be the duty of the clerk and sheriff to proceed to draw a petit jury for said special term according to law, and unless the said special term shall have been prescribed, and the actions assigned at the regular term, the clerk shall, at least twenty days before the time fixed for the special term, give notice of the same, including a list of the causes assigned thereto, in two newspapers published in the county, and by written or printed notices posted up in each of the public offices at the court house.

Notice.

Jury.

SEC. 3. A venire for the petit jury shall be issued, served and returned, and all other necessary process may be issued, served and returned, as for any regular term of said court, but no action not assigned to said special term, shall be heard or tried therein. In all causes heard, tried and decided at said special term, the proceedings, judgments and orders shall be the same, and have the same force and effect as if made at the regular term, and causes not disposed of shall be continued to the next regular term.

Actions tried.

SEC. 4. This act shall be in force from and after its passage.

In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

For providing a plan and estimate of a new building for the deaf and dumb institution at Columbus.

Plan and estimate for new asylum for the deaf & dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in view of the necessity of the early erection of a new building for the use and occupancy of the institution for the deaf and dumb, and for the furtherance of that object, it shall be the duty of the trustees of that institution, when appointed, to procure from some skillful and competent architect or architects, a plan or plans for such edifice, together with accurate drafts, plans, descriptions and specifications, and estimates of the cost of the various kind of materials to be used, and work to be performed in erecting the same; the proposed building to be of brick or stone, to be erected on the lot in the city of Columbus now occupied by said institution, and to be of sufficient size and so arranged as to afford suitable and proper accommodation for three hundred and fifty pupils, together with the superintendent and family, and such officers and servants as must necessarily reside in such institution; said building to be erected and furnished in a plain but substantial and suitable manner. Said trustees shall report their action in the premises to the legislature on the first Monday of January next, and they shall also communicate with such report the plan or plans, drafts, descriptions, specifications and estimates procured by them as herein provided; and if more than one plan be submitted, they shall designate which plan, in their opinion, is the most suitable for the purpose intended; and for the purpose of procuring such plan or plans, the said trustees may expend any sum not exceeding five hundred dollars.

Buildings for temporary use

SEC. 2. The said trustees are hereby authorized, if they shall deem it necessary and expedient, to procure for the temporary use of the asylum, some suitable building or buildings, to accommodate the whole or a part of the pupils in said institution, or for a safe and healthy dormitory or dormitories for the accommodation of said pupils; or they may, if they deem it more expedient, construct on the asylum grounds a building or buildings suitable for workshops, and which will answer temporarily for a dormitory or dormitories for the pupils or other temporary purposes of the institution; provided that the cost of such building or buildings shall not exceed the sum of twelve thousand dollars.

Repairs.

SEC. 3. The said trustees are hereby further authorized to make such temporary repairs to the present building or buildings as they shall deem necessary and proper; provided the expense of such repairs shall not exceed one thousand dollars.

SEC. 4. The sum of thirteen thousand five hundred dollars is hereby appropriated for the several purposes named in the foregoing sections of this act, and all accounts for expenditures under this sum, when certified as correct by said trustees, or any two of them, shall be paid out of the state treasury upon the order of the auditor. Appropriations.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

To confirm the sale of certain lands therein named.

WHEREAS, By an act of congress, passed March 2, 1855, the selections of land by the state of Ohio, for canal purposes, under the act of second March, eighteen hundred and twenty-seven, and twenty-fourth May, eighteen hundred and twenty-eight, was confirmed; therefore, in order to cure defects, if any, in the titles of such purchasers to such lands, bought from the state of Ohio, previous to the passage of the above act, and to quiet them in the possession thereof. Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That such sales be and the same are hereby confirmed. Confirmation of sales.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

Authorizing the state of Ohio to adopt as part of the public works of the state, that portion of the Sandy and Beaver canal which lies between Bolivar and Sandyville.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works are hereby authorized and required, in the name and for the use of the state Board of public works may adopt part of certain canal.

of Ohio, to take possession of, and adopt as a part of the public works of this state, and as a feeder of the Ohio canal, that part of the Sandy and Beaver canal, extending from its junction with the Ohio canal at the town of Bolivar, to the head of the slack water pool created by the dam across Sandy creek, below the town of Sandyville, in Tuscarawas county, together with all the waters, works, privileges, appurtenances and devices of every name and nature appertaining thereto, or connected therewith.

Previous proceedings.

SEC. 2. That before the board of public works shall take possession of, and adopt said Sandy and Beaver canal, as mentioned in the preceding section, the present owners thereof shall put said canal in such good and substantial repair as shall be acceptable to said board, and shall make to the state of Ohio a good and sufficient title, to be approved by the board of public works and the attorney general, and shall execute to the state a bond to be approved by the board and the attorney general, indemnifying the state against all claims for loss or damage accruing prior to the adoption of said work by the state, and provided that such portion of such canal shall be taken possession of and adopted only in case the present owners shall make a conveyance of the same to the state, by which the whole title of such owners may be conveyed; and provided, also, that the state of Ohio shall be compelled to pay no consideration for the same other than to agree to keep in repair such portion of such canal whilst the same may be the property of the state, so soon as the same shall be accepted by the board of public works, and conveyed to the state in the manner in this act provided.

Laws in force

SEC. 3. That all laws in force in relation to the location, construction, repairing, regulation, protection and navigation of the canals of this state, are hereby extended to said part of said Sandy and Beaver canal.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 9, 1856.

AN ACT

To fix the rate of tolls to be charged by the Wheeling and Cadiz consolidated plank road company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Wheeling and Cadiz consolidated plank road company be authorized to receive from persons traveling on or using said road, the following tolls, for every ten miles travel on said road, and in the same proportion for any less distance, to wit: for every carriage, sled, sleigh or other vehicle drawn by one horse or other animal, fifteen cents, for each additional animal, ten cents, for every horse and rider eight cents, for every horse, mule, or ass, six months old or upwards, led or driven, four cents, for every head of neat cattle, six months old or upwards, two cents, for every head of hogs, one cent, for every head of sheep, one-half cent, for every stage coach, drawn by four horses, fifty cents; provided that any person or persons going to and from any public worship, on the Sabbath, funerals, militia musters, election, jurymen going to and from court, the troops of the United States and of this state, may pass on said plank road free from toll.

Tolls on
Wheeling and
Cadiz plank
road.

SEC. 2. This act to take effect on and after its passage. In force.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 10, 1856.

AN ACT

Supplementary to an act "to prescribe the times for holding the court of common pleas in the third sub-division of the fifth judicial district," passed February 8, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at the terms for Franklin county, commencing on the second Friday after the third Tuesday of June and on the third Tuesday of January, no civil business shall be transacted requiring the intervention of a jury, or the examination of witnesses in open court, except in divorce and alimony cases standing on default, cases tried by the court by consent of parties and other cases standing on default, for inquiry of damages, in which cases if either party demand a jury, the court shall order that a jury be empannelled forthwith to make such inquiry.

What business not to be transacted at summer term of common pleas, Franklin county.

Sec. repealed. SEC. 2. That the second section of an act entitled an act to prescribe the times for holding the court of common pleas for the third sub-division of the fifth judicial district, passed February 8, 1856, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 9, 1856.

AN ACT

Relating to common schools.

Proviso.

WHEREAS, Certain boards of education, organized under an act for the better regulation of public schools in cities, towns, &c., passed February 21, 1849, and certain boards of education organized under an act to provide for the re-organization, supervision and maintenance of common schools, passed March 14th, 1853, acting under said acts, have by agreement between said boards under the act passed February 21, 1849, and the boards under the act passed March 14, 1853, made annexations and transfers of territory to and from the districts provided for in said acts respectively for the promotion of education, according to the true intent and meaning of said acts; and whereas, doubts exist as to the legality of such annexations and transfers of territory, therefore,

**Annexations
and transfer
of school district
territory
made valid.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all annexations or transfers of territory to or from the districts provided for in the said act, passed February 21, 1849, and in the said act, passed March 14, 1853, made pursuant to said acts respectively, and the agreement of the boards of education organized under said acts respectively, heretofore made or agreed upon, or which shall hereafter be thus made or agreed upon, shall be held to be as valid as if the same had been specially and more particularly provided for in said acts, or the acts amendatory thereto.

**Power to
transfer.**

SEC. 2. *Be it further enacted,* That the boards of education of any township, and the boards of education of any city, or incorporated village or union school district created by any law of this state, shall have power according to the general provisions of said act, passed March 14, 1853, by

mutual agreement between the township board and the city or village board to transfer territory to or from the respective districts under the control of said respective boards.

SEC. 3. That this act shall be in force from and after its passage. In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

To provide for the collecting and safe keeping of the public arms.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it is hereby made the duty of the sheriffs of the several counties in the state of Ohio, under the direction of the quarter-master general, to collect together, and safely keep in the public buildings, or some suitable place in their respective counties, all the public arms and accoutrements belonging to the state of Ohio, (except those in the hands of regular organized volunteer companies) and hold the same subject to the order and direction of the quarter-master general. Public arms.

SEC. 2. The quarter-master general may allow to the sheriffs a reasonable compensation for the duties required by this act to be paid out of the governor's contingent fund on the order of the auditor of state. Compensation to sheriffs.

SEC. 3. This act to be in force on and after its passage. In force.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

Making appropriations for construction, repairs, superintendence and expenses of the public works of Ohio, for the year one thousand eight hundred and fifty-six.

Appropriations for public works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and they are hereby appropriated out of any money in the treasury, derived from the public works, and not otherwise appropriated, for construction, repairs, superintendence and expenses on the public works of Ohio, for the year one thousand eight hundred and fifty-six, and shall be applicable to the several divisions of said public works in the manner hereinafter specified, viz :

ON SECTION NUMBER ONE.

Sec. No. one.

For superintendence and repairs, including the amount required to complete repairs under contract on 15th of November, 1855, thirty-two thousand four hundred twenty-five dollars forty-three cents. For payment of engineers, special superintendence, attorney's fees, and incidentals, two thousand dollars. For the payment of balance due on award of appraisers for land for Cleveland weigh lock, one hundred dollars.

ON SECTION NUMBER TWO.

Sec. No. two.

For superintendence and repairs including the amount required to complete repairs under contract on 15th November, 1855, twenty-three thousand dollars. For the payment of awards by appraisers of damages, six hundred dollars. For the payment of engineers, special superintendents, attorney's fees and incidental expenses, fifteen hundred dollars.

ON SECTION NUMBER THREE.

Sec. No. three.

For superintendence and repairs, including the amount required to complete repairs under contract on the 15th November, 1855, thirty-nine thousand eight hundred fifty-seven dollars fifty-five cents; for rebuilding and protecting the bank above the lower lock at Portsmouth, which washed away before the contracts for repairs were let, two thousand dollars; for the payment of awards by appraisers of damages, eight hundred dollars; for the payment of engineers, special superintendents, attorney's fees and incidental expenses, one thousand five hundred dollars; for the payment of ferriage of canal teams and boatmen across the Scioto river at Portsmouth, six hundred dollars.

ON SECTION NUMBER FOUR.

For superintendence and repairs, including the amount required to complete repairs under contract on November 15, 1855, nine thousand ninety-two dollars seventy-six cents. For rebuilding bulk-head and sluice-gates at Sharp's dam (breach unfinished on 15th November, 1855,) two thousand dollars. For the payment of engineers, special superintendents, attorney's fees and incidentals, one thousand dollars. For the payment of contractors for building culvert at seven mile run, one thousand dollars. Sec. No. four.

ON SECTION NUMBER FIVE.

For superintendence and repairs, including the amount required to complete repairs under contract on November 15, 1855, twenty-four thousand five hundred twenty-two dollars twenty cents. For rebuilding lock gates under contract prior to 15th November, 1855, and for the payment of superintendents' accounts not yet settled, eight hundred dollars. For the payment of engineers, special superintendents, attorney's fees, and incidental expenses, fifteen hundred dollars. Sec. No. five.

ON SECTION NUMBER SIX.

For superintendence and repairs, including the amount required to complete repairs under contract on 15th November, 1855, thirty-two thousand one hundred fifty-five dollars fifty-five cents. For the payment of engineers, special superintendents, attorney's fees, and incidental expenses, two thousand dollars. For the payment of salaries of appraisers, three hundred dollars. Sec. No. six.

ON SECTION NUMBER SEVEN.

For superintendence and repairs, including the amount required to complete repairs under contract on 15th November, 1855, one hundred and fifty-seven thousand six hundred and forty-eight dollars forty-six cents. For the payment of engineers, special superintendents, attorney's fees, and incidental expenses, two thousand five hundred dollars. Sec. No. seven

ON SECTION NUMBER EIGHT.

For superintendence and repairs, including the amount required to complete repairs under contract on 15th November, 1855, five thousand eight hundred eighty-six dollars. For the payment of engineers, special superintendents, attorney's fees, and incidental expenses, one hundred dollars. Sec. No. eight.

FOR GENERAL EXPENSES.

For incidental expenses of the office of the board of public works, including the salaries of secretary and assistant General expenses.

secretary and for office rent, furniture and fixtures, record books, stationery, blanks, postage and expenses of the board, four thousand dollars. For salaries of the members of the board of public works, four thousand five hundred dollars. For payment of engineer to gauge surplus water leased and now used from the canals and slack-water improvements of the state, fifteen hundred dollars. For the purpose of widening and deepening that portion of the Hocking canal lying between Lancaster and Carroll, known as the "Lancaster side cut," the sum of thirty thousand five hundred dollars. That the sum of three thousand dollars, or so much thereof as may be necessary for the removal of the waste-weir (on the Sidney feeder) in the town of Sidney, to a point south of said town, as now designated by the board of public works, provided said board may see proper to make such contemplated change. That the sum of ten thousand dollars, or so much thereof as may be found due by the board of public works to Samuel Gorden under the joint resolution of the general assembly, requiring said board to settle and adjust his claim against the state founded or arising out of the contract of Ward, Gorden and Blair, for rebuilding wooden locks, 15, 16, 19, 22, 23 and 28, Miami and Erie canal, north of St. Mary's, in the winter of 1851 and 1852, and that the auditor of state is hereby authorized and required to draw on the treasurer of state for any amount not exceeding said sum, upon there being filed in his office the certificate of said board of public works, specifying the amount by them found to be due; also, the further sum of ten thousand dollars to pay such other claim and awards as the board of public works may settle and find due from the state. For widening the drain around the east side of the six mile reservoir in Paulding county, one thousand dollars; provided the board of public works shall be of opinion that the same is necessary and ought to be done. For paying the claim of Zachariah T. Jones, six hundred and nine dollars. That the auditor of state be and he is hereby authorized to transfer temporarily, one hundred and fifty thousand dollars of the sinking fund to the canal fund, or so much thereof as may be necessary to meet the demands on the canal fund until the funds applicable thereto shall be paid into the treasury.

Appropriation
for deficiencies.

SEC. 2. In case the amounts appropriated in the preceding section shall be found insufficient to meet all necessary expenditures on the public works, the further sum of ten thousand dollars is hereby appropriated to pay any such deficiency as may occur, provided that no part of said sum shall be paid or expended without the concurrence of all the members of the board.

Sec. 3. Within thirty days after the expiration of each quarter of the year, it shall be the duty of the board of public works to file in the office of the auditor of state a full and detailed statement of the amounts drawn from the treasury during the preceding quarter under each of the foregoing appropriations, with corresponding vouchers for the same. The statement shall specify in detail the several amounts paid, to whom, at what time, and on what account, and the said vouchers and statements shall be examined and compared by the auditor of state, and one or more members of the board of public works, and if found to be in pursuance of law, the auditor of state shall give the board a certificate setting forth that fact, which certificate shall be deposited in the office of the board of public works, and shall also endorse that fact upon the statement so filed, which said statement shall be published in the manner pointed out by the act "to provide for the publication of an accurate and detailed statement of the receipts and expenditures of the public revenue," passed March fourteenth, eighteen hundred and fifty-three. For the building of a basin on the old penitentiary lot in the city of Columbus, at the head of the feeder to the Ohio canal, which the board of public works is hereby authorized to construct, if it shall deem the same necessary for the public interest, the sum of one thousand dollars.

Statement and
accounts of
board of
public works.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 9, 1856.

AN ACT

Authorizing cemetery associations heretofore incorporated to avail themselves of the provisions of an act entitled "an act making provision for the incorporation of cemetery associations," passed February 24, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any cemetery association heretofore incorporated, either by special or general act, may come in under the act entitled "an act making provision for the incorporation of cemetery associations, passed February 24, 1848, by their trustees or directors, filing with the county recorder a certificate of their desire and intention so to do, setting forth the title of the act under which they were incorporated, which act shall be deemed inoperative and void, as to such

Cemetery
associations
may have
benefit of cer-
tain acts.

association from the time of filing such intention and statement with the recorder of the county, whose duty it shall be to record the same in the manner set forth in the second section of said act, passed February 24, 1848, and thereafter such association shall in all respects be governed by the provisions of this act; Provided, that all the transactions had and rights acquired by the association under the act by which they were incorporated before filing their certificate as aforesaid, shall be valid and binding in all respects as though the same had been done under said act.

In force.

Sec. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

Making appropriations for the year one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, in addition to the former appropriations, be, and they are hereby appropriated out of the money in the treasury, applicable for general revenue purposes, to be paid for the year one thousand eight hundred and fifty-six.

Appropriations for general revenue purposes.

For the payment of the salaries of the governor, lieutenant governor, auditor, treasurer and secretary of state, the attorney general, state commissioner of common schools and librarian, ten thousand seven hundred dollars.

General assembly.

For the payment of the members of the general assembly, their clerks and assistant clerks, sergeant-at-arms, doorkeepers and messenger boys, sixty-three thousand five hundred dollars.

Committees.

Also, one thousand five hundred dollars for paying the per diem and expenses of committees of the general assembly.

Judges.

For the payment of the salaries of the judges of the supreme court, judges of the court of common pleas, judges of the superior court of Cincinnati and Dayton, fifty-nine thousand eight hundred dollars.

Governor's con't. fund.

For the payment of the contingent fund of the governor, five thousand dollars.

Also, two thousand dollars for the payment of attorney's fees in bank cases, to be audited by the governor and on his certificate the auditor of state shall issue his warrant for the amount so certified; and, also, the farther sum of six hundred dollars for the payment of necessary expenses for serving his requisitions, for the recovery of fugitives from justice, in cases wherein he may think it just and proper for the state to assume such expenses, out of which shall be paid \$189.25 to Joseph McIntire, sheriff of Clark county.

Attorney's fees.

For the payment of the contingent fund of the secretary of state, two thousand dollars.

Fund of secretary of state.

For the payment of the contingent fund of the treasurer of state, two thousand dollars.

Fund of treasurer of state.

For the payment of the secretary of the governor, eight hundred dollars.

Secretary of governor.

For the payment of the clerks in the auditor of state's office, seven thousand five hundred dollars.

Auditor's clerks.

For the payment of the clerks in the treasurer of state's office, twenty-four hundred dollars.

Treasurer's clerks.

For the payment of the clerks in the secretary of state's office, two thousand dollars.

Secretary's clerks.

For the payment of the salaries of the superintendent, physicians, steward and matron of the lunatic asylum at Columbus, thirty-two hundred dollars.

Lunatic asylum, Columbus.

For the household expenses, provisions, clothing and general expenses of said lunatic asylum, and for repairs, thirty-seven thousand six hundred dollars.

For the salary of the moral instructor, the sum of two hundred dollars.

For the salaries of the superintendent, steward, matron, and for paying the salaries of teachers and physicians of the deaf and dumb asylum, the sum of eight thousand and fifty dollars.

Deaf & dumb.

For the payment of the salaries of the superintendent, steward, teachers, matron and physician of the asylum for blind, the sum of six thousand dollars.

Blind.

For salaries of artizans and assistants and for general expenses of the blind asylum, the sum of eleven thousand eight hundred dollars.

For the purchase of provisions, and the general expenses and repairs of said deaf and dumb asylum, the sum of thirteen thousand dollars.

For payment of the salary of the reporter for the supreme court, the sum of three hundred dollars.

Supreme court reporter.

For the printing, stitching and binding for the state, twenty-five thousand dollars.

Printing, &c., for state.

For taking care of the public arms, and for rent of building in which to lodge the same, to be paid on the certificate of the governor, eight hundred dollars.

Public arms.

Quarter-master general.	For the payment of the salary of the quarter-master general, two hundred dollars.
	For payment of the contingent expenses of the quarter-master general, two hundred dollars.
Adjutant general.	For the payment of the salary of the adjutant general, three hundred dollars.
Refunded taxes.	For the payment of taxes refunded, erroneously assessed, thirty thousand dollars.
Mileage of Co. treasurers.	For the payment of the mileage of county treasurers, twelve hundred dollars.
Fuel.	For fuel for the departments of state, the sum of three thousand dollars.
Distribution of documents.	For the distribution of the laws, agricultural reports, legislative documents and journals, eighteen hundred dollars.
	For the distribution of agricultural reports not heretofore distributed and reported to this house by select committee, four hundred dollars.
	For the distribution of the laws and journals, eighteen hundred dollars.
Penitentiary.	For the payment of the salaries of the warden, deputy warden, clerk, moral instructor, and physician of the Ohio penitentiary, four thousand five hundred dollars; the salary of the moral instructor to be paid from the visitors fund; and also to be paid from said fund for library, one hundred and fifty dollars.
	For the payment of guards, repairs, general expenses, provisions and clothing for the Ohio penitentiary, sixty thousand dollars.
State board of agriculture.	To the state board of agriculture, being the proceeds of show license, twenty-eight hundred and thirteen dollars and fifty-one cents.
Sec'y of commissioner of schools.	For the payment of the salary of the secretary of the state commissioner of common schools, three hundred dollars.
Stationery.	For payment of stationery for the use of the departments of state, ten thousand dollars.
Convicts.	For the transportation of convicts to the penitentiary, and for costs of prosecution, thirty-two thousand dollars.
Newburgh lunatic asylum.	For the payment of the salaries of the officers, assistants, and general expenses of the Newburgh lunatic asylum, thirty-two thousand dollars.
	Also, two hundred dollars for salary of moral instructor to Newburgh asylum; and the like sum for moral instructor to Dayton asylum.
Dayton lunatic asylum.	For the payment of the salaries of the officers, assistants, and general expenses of the Dayton lunatic asylum, twenty-five thousand dollars.
Wolf scalps.	For the payment of wolf-scalp certificates, four hundred and fifty dollars.

For payment of the claim of R. Neil, for rent of building for use of house of representatives, nine hundred dollars. R. Neil

For the payment of the claim of P. Ambos, for rent of building for the use of the senate, one thousand dollars. P. Ambos.

For the expenses of presidential election in addition to former appropriations, four thousand and five hundred dollars. Presidential election.

For expenses of committee of the legislature in examining lunatic asylums at Dayton and Newburg, one hundred and twenty dollars and thirty-five cents. Committee on lunatic asylums.

For paying K. Thomas (by resolution of the house) for keeping up five extra dockets for December term supreme court, the sum of thirty dollars. K. Thomas.

For the payment of sundry accounts for fitting and furnishing the halls and rooms for the use of the legislature, the sum of two thousand dollars ; the accounts to be certified by the secretary of state. Fitting halls and rooms.

For paying messenger to the supreme court, the sum of three hundred and fifty-six dollars ; to be paid on the certificate of the chief justice. Messenger to supreme court

For payment of Columbus gas light and coke company, for gas for legislative halls, the sum of four hundred dollars. Gas.

For furniture for use of lunatic asylum at Columbus, six hundred dollars, for paying Wm. Turner, one hundred seventy-one dollars, to Daniel Osborne, one hundred forty-eight dollars twenty-seven cents, and to Wm. McGookie one hundred thirty-five dollars. Cent. lunatic asylum furniture.

For attorneys fees to H. H. Hunter, Thos. Ewing and G. E. Pugh, Esqs., in case of fund commissioners against the Columbus insurance company and others, two hundred and fifty dollars each. Attorney's fees.

For the payment of such arrears of judicial salaries as may be due, the sum of three thousand dollars. Arrears.

For expenses of investigating committees appointed at the present session to sit and perform their duties during the recess, to be drawn on the certificates of the chairman of such committees, respectively, the sum of fifteen hundred dollars. Investigating committees.

For paying George H. Riorden for attendance on the supreme court, one hundred and thirty-eight dollars. G. H. Riorden

For paying the salary of physician of the penitentiary for the year eighteen hundred and fifty-five, eight hundred dollars. Physician of penitentiary.

For paying John L. Gill for stove and pipe furnished for the general assembly, twenty-three dollars. J. L. Gill.

For paying Charles Cist his per diem compensation and expenses as trustee of the new lunatic asylums, three hundred fifty-eight dollars and forty cents. Chas. Cist.

Cont. fund of
school com'r.

For a contingent fund of the commissioner of common schools, six hundred dollars.

Witnesses.

For paying Henry P. Bowman and R. C. Hazlewood, to be divided between [them] as they shall agree, fifty dollars; and for paying Daniel Beckel, twelve dollars, their expenses as witnesses before the senate committee of finance.

For paying J. C. Prine his expenses as witness before house investigating committee, thirteen dollars and fifty cents.

Cattell and
Heaton.

For paying J. D. Cattell and D. Heaton, ten dollars to the former and six to the latter, for examining the new lunatic asylums, the sum of sixteen dollars.

Brooks.

For paying the rent due to E. S. Brooks for house for storing the arms of the state, three hundred seventy-five dollars.

L. L. Rice.

For paying L. L. Rice for copying and recording field notes of surveys under the direction of the secretary of state, five hundred forty-four dollars and twenty-five cents.

J. N. Faxon.

For paying John N. Faxon his expenses in going to Cincinnati to serve subpoenas, four dollars and fifty cents.

Moneys not to
be drawn till
due.

Sec. 2. No moneys hereby appropriated shall be drawn from the treasury of state for any purpose prior to the time that such money or moneys shall become due and payable to the persons entitled to receive the same: Provided that five hundred dollars of the sum appropriated for the general expenses of the blind and deaf and dumb asylums, and one thousand dollars of the sums appropriated for each of the lunatic asylums, shall be a contingent fund, to be expended as may be required for said institutions to be drawn quarterly, and vouchers for the expenditure of the same to be certified and approved by the auditor of state; provided that the sum of one hundred dollars of the contingent fund may, with the approbation of the trustees, be appropriated for procuring a library for each of the two new lunatic asylums.

Transfer from
sinking fund
to general
revenue.

Sec. 3. There shall be transferred from time to time as the same may be required, to pay appropriations on the requisition of the auditor of state from the sinking fund to the general revenue, a sum or sums not exceeding in all the sum of five hundred fifty-four thousand eight hundred and nine dollars and thirty-two cents.

Acts repealed.

Sec. 4. All acts and parts of acts superseded by or inconsistent with the provisions of this act are hereby repealed. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

April 11, 1856.

AN ACT

To amend a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to amend an act entitled an act to provide for the organization of cities and incorporated villages, passed May 3, 1852, and the several acts amendatory thereof and supplementary thereto," passed April 5, 1856, shall take effect on the passage hereof, and be of the same force as if passed prior to the first day of April 1856, anything in said act to the contrary notwithstanding. Act amended.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOS. H. FORD,

President of the Senate.

April 6, 1856.

AN ACT

To protect the investments of municipal corporations in the stock of railroad companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no railroad company incorporated under the general laws of this state, or that may hereafter be created and incorporated under said laws shall construct its railroad, or a branch thereof or any part of either within the limits of Athens or Washington county in this state, unless a majority of the qualified voters of said county shall previously assent thereto in the manner hereinafter provided: Provided, That this section shall not apply to such roads as are located, now under contract, and have as much as one mile graded. Construction of R R's in Athens and Washington counties.

SEC. 2. Upon written application of the board of directors of any company proposing to construct its road in either of said counties the commissioners of such county may submit the question to the qualified voters of the county, who shall vote a printed or written ticket for construction or against construction, either at the annual spring or fall election, by giving at least thirty days public notice in one or more newspapers of general circulation in said county, and if, at such election, a majority of the legal votes cast shall be in favor of permitting the construction of such road, the company may proceed to build it, subject to the provisions of the Submission to people.

act for the creation and regulation of incorporated companies, passed May 1, 1852.

In force.

SEC. 3. This act shall take effect from and after its passage, and shall be in force for the period of five years, from the taking effect thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

To fix the times of holding the district court in the several counties composing the second common pleas district of the first circuit in Ohio.

District courts
in second district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the district court in the several counties composing the second common pleas district in the first circuit shall, for the year 1856, be held as follows:

SECOND COMMON PLEAS DISTRICT OF OHIO.

In the county of Butler on the ninth day of May;
In the county of Preble on the nineteenth day of May;
In the county of Darke on the twenty-fifth day of May;
In the county of Miami on the thirtieth day of May;
In the county of Montgomery on the sixth day of June;
In the county of Champaign on the twentieth day of June;
In the county of Clark on the twenty-sixth day of June;
In the county of Warren on the thirtieth day of June;
In the county of Clinton on the ninth day of July;
In the county of Greene on the fourteenth day of July;

Section re-
pealed.

SEC. 2. That the first section of an act entitled "an act to amend an act entitled an act to fix and provide for the terms of the district court in the several counties of the first circuit, being composed of the second and third common pleas districts of Ohio, and to legalize the acts of the last district court held in Montgomery county," be and the same is hereby repealed.

In force.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To amend an act passed February 20, 1856, entitled "an act to establish a code of civil procedure," passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and thirteen of an act entitled "an act to establish a code of civil procedure," passed March 11, 1853, as amended by said act passed February 20, 1856, be so amended as to read as follows: Sec.

313. No party shall be allowed to testify by virtue of the provisions of section three hundred and ten, where the adverse party is the executor or administrator of a deceased person, or the guardian of the child or children of a deceased person, when the facts to be proven transpired before the death of such deceased person, and are not testified to by said child or children, except to testify to the validity of books of account of not more than eighteen months standing. The deposition of a party shall not be used in his own behalf, unless the legal notice required in the cases where depositions are to be taken, shall also specify that the deposition to be taken is that of the party: Provided, That if the deposition of a party be taken in any pending suit, and such party shall die before the trial thereof, it shall be lawful for the opposite party to testify as to all matters contained in said deposition, if the same be offered in evidence.

SEC. 2. This act shall be applicable to all civil actions and proceedings now pending and undecided, which have been commenced since the taking effect of an act entitled an act to establish a code of civil procedure, passed March 11, 1853.

SEC. 3. That nothing in section 313 shall be construed so as to prevent a party testifying when the adverse party is an administrator, executor, or guardian, when the testimony of a person is taken by deposition or otherwise, who was a partner of the deceased at the time the subject matter in controversy transpired, and was originally interested therein.

SEC. 4. That the act passed February 20, 1856, entitled "an act to amend an act entitled an act to establish a code of civil procedure, passed March 11, 1853, be and the same is hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

Sec. amended

Party testifying.

Depositions

To apply to actions pending.

When partner of deceased testifies.

Act repealed.

In force.

AN ACT

Prescribing and limiting the rates of taxation.

Rates of taxa-
tion for 1856.

State.

County.

City and vil-
lage.

Provision.

Library tax
suspended
for one year.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied on all property and credits subject to taxation in the state, (except such as existing laws provided for taxing in a manner and at a rate therein prescribed,) as valued and entered on the grand levy for taxation for the year eighteen hundred and fifty-six, for the several purposes hereinafter named, the following rates of tax on each dollar of such assessed value, to wit: For the support of the state government, including the ordinary expenses of the public benevolent institutions, prosecuting the work on public buildings, and other expenses chargeable on the general revenue, and also to pay deficiencies of former appropriations, one mill; for the sinking fund, seven-tenths of one mill. The county commissioners of any county shall not levy for any one year, for all county purposes other than for the payment of interest on the debts which such county may owe, and such part of the principal as may fall due within the then current, or the next succeeding year for bridge, road or poor purposes on each dollar of the assessed value of such property and credits, in such county, not exceeding five millions of dollars, not exceeding one and one-half mills, and on each dollar of such assessed value over five millions of dollars, not exceeding one and one-fourth mills; and for county buildings, in any county, not exceeding one-fourth of one mill on the dollar for any one year. There shall not be levied in any city or incorporated village, for all purposes other than for the payment of interest on any debt or debts of such city or village, or the payment of any such debts or part thereof as may fall due during the then current or the next succeeding year, more than five mills on the dollar of the property of such city or village as listed and valued for taxation: Provided, That the aforesaid restriction shall not be construed to prevent the levying and collecting of local assessments to pay for such local improvements as effect particular parts only of any such city or village: Provided, That in cities, which, by the last federal census contained a population of not less than one hundred thousand inhabitants the levy for all purposes may be raised to a ratio not exceeding six and one-half mills on the dollar of valuation. The township trustees shall in no case levy for township expenses more than one-half of one mill on the dollar.

SEC. 2. The operation of the fifty-eighth section of the act of May 4, 1853, to provide for the re-organization, supervision and maintenance of common schools so far as it relates to the assessment and collection of taxes for the purpose of furnishing and increasing school libraries and ap

paratus, is hereby suspended for one year from and after the passage of this act.

Sec. 3. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. This act shall take effect on its passage. Laws repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

AN ACT

For the appointment of three joint investigating committees, defining their powers and prescribing their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Robert W. Taylor, of the Senate, and Benjamin F. Smith and John A. Sennett, of the House of Representatives, be and they are hereby appointed a joint committee of the General Assembly, on Finance, whose duty it shall be during the recess of the General Assembly to investigate all the transactions of the public agents who now have or heretofore have had the custody or disbursement of the public moneys or any part thereof, and to report at the adjourned session the result of their investigations and the true condition of the finances of the state.

Committee of investigation of acts of public agents.

Sec. 2. That Cornelius S. Hamilton, of the Senate, and Paul Weatherby and John A. Blair, of the House of Representatives, be and they are hereby appointed a joint committee of the General Assembly on the public works, whose duty it shall be during the recess of the General Assembly fully to investigate all the transactions and expenditures of the board of public works and make report thereon at the adjourned session.

Committee of investigation of acts of board of public works.

Sec. 3. That O. P. Brown, of the Senate, and Silas Irion and Isaac Brayton, of the House of Representatives, be and they are hereby appointed a joint committee of the General Assembly on public institutions and buildings, whose duty it shall be during the recess of the General Assembly fully to investigate all the transactions and expenditures about the new state house, the penitentiary, the three lunatic asylums, the blind and the deaf and dumb asylums, and to make report at the adjourned session of the General Assembly.

For state buildings.

Sec. 4. That each of said committees, a majority of whom shall be a quorum for the transaction of business, shall be authorized to examine such of the public offices,

Quorum

books and papers in the same as they may severally deem necessary and proper, and also to compel the attendance of persons and the production of books and papers.

owers

Sec. 5. That each of said committees are authorized to employ a clerk or accountant if they find it necessary to appoint one of their number chairman who is authorized to administer oaths, to issue process to compel the attendance of witnesses which may be served by any sheriff, deputy sheriff, sergeant-at-arms, of either branch of the General Assembly or other person appointed by such committees.

Contempts.

Sec. 6. That each of said committees shall have all the powers of a court of record to punish by fine and imprisonment any person for disobedience to its process, refusal to testify, or other contempt of its authority.

Current ex-
penses.

Sec. 7. The sum of fifteen hundred dollars is hereby appropriated to pay the current expenses incident to the execution of this act, which shall be drawn by the chairmen of said committees as required for that purpose, upon the order of the auditor; and should any of said committeemen, for any reason, be unable to perform their duties under this act, the governor shall then appoint some other member of the General Assembly who shall act in his place. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

April 11, 1856.

AN ACT

To tax banks and banking companies incorporated under the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845.

Statement of
president and
cashier of
banks.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the president and cashier of each banking company organized under the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed February 24, 1845, on or before the second Monday of May, in each year, to make out under oath, and return to the proper assessor of the township, town or ward where such company is located, a certificate containing a statement of the amount of the capital stock of such company paid in and remaining as capital stock undiminished by losses or otherwise, together with the amount of surplus and contingent fund and undivided profits accrued prior to the first Monday of the preceding Novem-

ber, as the same were on the day preceding the second Monday in April, prior to the said second Monday in May; and the amount so returned shall be placed on the county duplicate, and on the city duplicate, where city taxes are collected on a separate duplicate, and taxed as other personal property in the same township, town, village or ward may be taxed by law. In making the certificate aforesaid, any portion of said capital stock, surplus or contingent fund or undivided profits invested in real estate which is subject to taxation under the laws of this state, may be deducted, but the certificate shall specify the amount so deducted.

Sec. 2. Each assessor of any township or ward within the limits of which any such bank or banking company may be located, in case any president or cashier of such bank or banking company shall refuse or neglect to make out, and deliver to the assessor the statement herein required, after the provisions of this act shall have been accepted by such bank as hereafter provided, shall, as in other cases ascertain the amount of such capital stock, surplus and contingent fund and undivided profits, and shall return the same to the county auditor, or to such other officer as the law regulating his duties may require, and the amount thus ascertained, with the addition of fifty per centum thereof, shall be entered upon the proper duplicate for taxation: Provided, That in cases where city taxes are assessed and collected by the city authorities, the taxes upon banks, as provided for in this act, shall be assessed and collected the same as city taxes upon other property for the time being are assessed and collected in such city.

When officers
refuse to make
out statement.

Sec. 3. It shall be the duty of every assessor in whose jurisdiction there shall be located any such bank or banking company, to leave with some proper officer of such bank or banking company, a notice to make out and deliver the statement required in the first section of this act.

Notice.

Sec. 4. That each and every bank or banking company accepting the provisions of this act shall make out and transmit a certificate thereof to the auditor of the county in which such bank or banking company is located and shall also transmit a certified copy of such acceptance to the auditor of state who shall file the same in his office.

Certificate of
acceptance.

Sec. 5. This act shall not be construed to repeal the sixteenth [sixtieth] section of the act "to incorporate the State Bank of Ohio and other banking companies" aforesaid, but to suspend the operation of said section as to the several companies accepting the provisions hereof during the time they shall continue to be taxed as provided in this act.

Does not re-
peal certain
section.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

Curwen's R.S. 2131. Supplementary to an act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed Februar, 15, 1853.

Rate of road
tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if the county commissioners of any county; hereafter levy a road tax, it shall be as follows: If the taxable property of the county be over fifty millions of dollars, the levy shall not be more than one-half mill, nor less than one twenty-fifth mill on the dollar; if such property amount to over three and less than fifty millions of dollars, the levy shall not be more than one mill nor less than one-tenth mill on the dollar; if such property amount to less than three millions of dollars, the levy shall not be more than one and a half mills nor less than two-tenths of a mill on the dollar; but if the trustees of any township shall deem an additional road tax necessary, the trustees shall determine the additional per centum to be levied on the property of such township, not exceeding one-half a mill on the dollar, and shall certify the same in writing to the county auditor, on or before the first Monday in June in each year, who shall, by the 15th day of the same month, forward the list of the road taxes, made out as required by the twenty-eighth section of the act to which this is supplemental, to the clerk of each township, who shall immediately make out a list for each supervisor, of all persons in his district, against whom any road tax may stand charged, together with the amount of such tax charged against each; and each supervisor shall, prior to the first day of August following, notify every such person, agreeably to the provisions of the thirty-fourth section of said act, to which this is supplemental, to work out the same.

Bridge purposes.

SEC. 2. The county commissioners may appropriate one-third of the tax levied by them under the first section of this act, to bridge purposes, and cause the same to be collected in money on the county duplicate and no other bridge tax shall be levied or collected.

Tax may be
discharged by
labor.

SEC. 3. Any person charged with a road tax may discharge the same by labor, on the roads within the district where the same is charged prior to the fifth day of August, at the rate of one dollar per day for each day's work of an able bodied man and a rateable allowance per day for any team furnished by any person, which labor shall be performed under the direction of the supervisor of such district.

Supervisor's
return.

SEC. 4. Each supervisor shall write on the margin of his list opposite to the amount charged against all such as may pay the same by labor, the word "paid," and shall return his list on or before the seventh of August of the same year

to the township clerk, who shall write on the margin of the list sent to him by the auditor, opposite to the amount charged against each person, who may have paid the same in labor, as shown by the returns of the supervisors, the word "paid," and shall forthwith forward the same to the county auditor, who shall charge all such as may remain unpaid as shown by the returns of the clerks on the duplicate of the county, and the same shall be collected as other moneys are collected by the county treasurer. And the supervisor shall also give to each person who may pay his road tax, a receipt for the same, and if by mistake any person who may have paid his road tax, shall be charged with a road tax on the duplicate, the receipt of the proper supervisor shall be conclusive evidence that such road tax is unjustly charged.

Sec. 5. All road taxes collected by the county treasurer shall be paid over to the treasurer of the township from which the same were collected, and shall be expended on the public roads of the district from which the same were collected.

Disposition of
road taxes.

Sec. 6. That all such persons as are required by the first section of the act to which this is supplemental, to do and perform two days work on the public roads, shall do and perform the same between the first day of April and the first day of July of each year. No person shall be released from such labor by the neglect of the supervisor to order him out on or before the first day of July.

When work to
be done.

Sec. 7. The act entitled "an act to amend the act, entitled an act prescribing the duties of supervisors, and relating to roads and highways," passed April 7, 1854, and the act entitled "an act to amend the act entitled an act prescribing the duties of supervisors, and relating to roads and highways," passed April 29, 1854, are hereby repealed.

Act repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

AN ACT

Making appropriations to pay certain deficiencies in former appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums in addition to former appropriations, be, and they are hereby appropriated, Appropriations.

to be paid out of any moneys in the treasury belonging to the general revenue fund, not otherwise appropriated, for the several purposes hereinafter specified :

Balance due on state house.

To pay balances due for labor on and materials delivered for the new state house, previously to the first day of March, in the present year, the sum of one hundred and eleven thousand eight hundred and eighty-eight dollars and three cents.

Penitentiary.

To pay amount overdrawn previously to the fifteenth day of November, eighteen hundred and fifty-five, on account of general expenses of the penitentiary, the sum of thirty-two thousand two hundred and sixty-two dollars and eighty cents.

Public works.

To pay balances due contractors on the public works of the state on the fifteenth day of November, eighteen hundred and fifty-five, as evidenced by checks outstanding on that day, the sum of sixty-five thousand three hundred and sixty-nine dollars and sixty-one cents.

Draw bridge in Muskingum Co.

To pay the amount due on the contract between the board of public works and the county commissioners of Muskingum county, relative to a certain draw bridge, the sum of six hundred and seventy-two dollars and nineteen cents.

Sec. No. five.

To pay the balance due on the fifteenth day of November last, on account of superintendence and repairs on section number five, the sum of sixty dollars and twenty-five cents.

Sec. No. six.

To pay balances due on accounts unsettled on the fifteenth day of November last, for superintendence and repairs on section number six, a sum not exceeding two thousand dollars.

Port Jefferson and Loramie Summit.

To pay the balance due the contractor for rebuilding the head gates at Port Jefferson, and locks number twenty-four and thirty, north of Loramie's Summit, the sum of eighteen hundred and seventy-two dollars and seventy-three cents.

Sec. No. seven

To pay balances due up to the fifteenth day of November last, on unsettled accounts for superintendence and repairs on section number seven of the public works, a sum not exceeding four thousand dollars.

To pay engineer, special superintendent, fees of attorney and incidental expenses on said section number seven, the sum of three hundred and twenty-five dollars.

Damages for land in Mercer Co. reservoir.

To pay damages awarded on account of lands included in the Mercer county reservoir, the following sums to be paid to the following parties, namely :

To the Ohio Life Insurance and Trust company, the sum of twelve hundred and eighty dollars.

To Smiley and Wilkins, one hundred and eighty-six dollars and four cents, being an award for balance on contract for repairs.

To pay balance due for superintendence and repairs, the sum of three hundred and forty-four dollars and seven cents.

To pay E. & T. Fairbanks for weigh-lock scales, the sum of fifteen hundred dollars. **E & T. Fairbanks.**

To pay incidental expenses of the board of public works, incurred before the fifteenth day of November last, a sum not exceeding one thousand dollars. **Incidental expenses.**

To pay checks issued since the fifteenth day of November last, and balances for which checks have not been issued on account of repairs of public works done previously to that day, the sum of thirty-two thousand nine hundred and thirty-five dollars and thirty-eight cents. **Checks.**

To pay Oliver P. Boyer the balance of his account for furniture made for the Dayton lunatic asylum, the sum of three hundred and nine dollars and forty-seven cents. **O. P. Boyer.**

To pay Osgood, Blake & Knapp for printing jobs for the state, in the month of March, eighteen hundred and fifty-four, the sum of one hundred and sixty-nine dollars. **Osgood, Blake & Knapp.**

Sec. 2. The auditor of state shall retain twenty-five per cent. of each and every sum or balance certified by the present superintendent of the new state house, on account of work heretofore done on said building, or on account of materials heretofore delivered therefor, until the commissioners and the architect to be appointed under the provisions of the act of the present session of the general assembly, entitled "an act to provide for prosecuting the work on the new state house," &c., shall have examined the contracts made for such work and materials, and the character and value thereof, and shall be satisfied that such contracts were fair, and the prices and character and quality of such work and materials conform to such contracts, and shall certify, or cause to be certified, their satisfaction with the same; whereupon the auditor shall be authorized to pay the twenty-five per centum so as aforesaid retained. **Auditor of state to retain 25 per cent. on all sums certified by present Sup't of state house till pronounced correct by commissioners.**

Sec. 3. The provisions of the foregoing section shall extend to and govern the payment of the per centage required to be retained by the act "to pay the indebtedness of the benevolent institutions and the new state house," passed at the present session of the general assembly; provided that in cases of claims on account of work and materials for the two new lunatic asylums, the examinations and certificates required by said section, shall be made by the trustees thereof respectively. **To extend to indebtedness of benevolent institutions.**

Sec. 4. The provisions of sections two and three of this act shall be construed to extend to all claims for work done, or materials furnished, or services rendered for, or to the new state house, or the lunatic asylums at Dayton and Newburg, whether during the erection or for the maintenance of the same, which have been or may be presented to the commissioners of the state house or the trustees of said lunatic asylums, so that all such claims shall, after the examination **Claims against new lunatic asylums.**

and approval required in said second and third sections, be paid in full to the extent of the appropriations herein and heretofore made.

N. H. VAN VORHES,
Speaker of the House of Representatives.

THOMAS H. FORD,
President of the Senate.

April 10, 1856.

AN ACT

Prescribing the duties of the auditor and treasurer of state relative to the receipt, safe keeping and disbursement of public moneys, and accounting therefor.

**Auditor of
state to keep
all accounts of
state moneys.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state shall be the principal accounting officer of the treasury department. He shall keep in his office at Columbus, all accounts relating to the receipt and disbursement of the moneys of the state, and manage and conduct all negotiations and correspondence concerning the same, unless otherwise prescribed by law; provided that the power herein conferred on the auditor shall not be construed to prevent the treasurer from carrying on correspondence relating exclusively to the business of his office. All payments of money into the state treasury shall be made on his certificate order or draft, and no money shall be paid out of the treasury unless on his warrant, order, or draft, so that he shall at all times know and have in his office an account of every payment into or out of the treasury.

**Moneys sub-
ject to control
of treasurer
deemed paid
into the treas-
ury.**

SEC. 2. All moneys belonging to the state, whether paid to the treasurer or to any person or company by his order or procurement, or deposited, placed, or kept subject to his order or control, shall be deemed to have been paid into the treasury.

**Payments—
how made.**

SEC. 3. Every payment into the treasury made elsewhere than at the treasury office in Columbus, shall be made on the written draft or order of the auditor, drawn payable to the treasurer or his order with which draft or order the auditor shall charge the treasurer at the time of the delivery thereof, and if such draft or order shall be protested for non-payment, the auditor shall on the return thereof at his office credit the treasurer therewith.

**Drafts or
orders.**

SEC. 4. Each of such drafts or orders shall specify the claim, demand or liability on account of which it is drawn,

and when paid shall be a legal discharge of such claim, demand or liability, or of so much thereof as shall be so paid.

Sec. 5. Every payment into the treasury at the treasury office in Columbus, on whatsoever account, shall be made on the certificate of the auditor, which shall contain a pertinent description of the character of the indebtedness on account of which the payment is to be made, and shall state the sum so to be paid.

Auditor's certificate.

Sec. 6. To enable the auditor to make out such certificate, the person intending to make the payment shall, before making the same, inform the auditor thereof, and give him a pertinent description of the liability or indebtedness on account of which such payment is to be made, and shall exhibit to him all accounts, vouchers, or documents necessary enable the auditor to ascertain the true amount to be paid, unless the auditor shall already have in his office the means of determining the amount; and the auditor, after a careful examination of such accounts, vouchers and other documents, or of the accounts, records and files in his office, as the case may require, shall certify to the treasurer the amount to be paid into the treasury.

Previous proceedings.

Sec. 7. Every such certificate shall be delivered to the treasurer by the person intending to make payment thereon, or by the auditor, at or before the time of making such payment, and shall be numbered, filed and carefully preserved in the treasurer's office, and on receiving payment thereon, the treasurer shall give to the person making such payment, his receipt for the money so paid, specifying therein the liability on account of which such payment shall have been made, according to the description contained in such certificate.

Disposition of certificates.

Sec. 8. Every person making any such payment shall immediately deliver to the auditor the treasurer's receipt for the money so paid, who shall carefully file and preserve the same in his office, and forthwith charge the treasurer therewith, in the proper account, and shall thereupon issue and deliver to the person making such payment, his receipt, specifying therein the sum or sums paid, the liability or indebtedness on account of which such payment shall have been made, and such receipt of the auditor shall be held to be a legal discharge of such liability or indebtedness, or so much thereof as shall have been so paid; but the treasurer's receipt shall not be held to be a legal discharge of such liability or indebtedness, or any part thereof, unless the same shall have been delivered to the auditor.

Receipts of treasurer and auditor.

Sec. 9. All bills, drafts or warrants drawn by the auditor of state, in conformity with the laws of this state, shall be received by the treasurer of state in payment of public dues, or redeemed in money, at the option of the holder,

Receiving or redeeming bills, drafts or warrants of auditor.

and on redeeming any such bill, draft or warrant, or on receiving the same in payment, he shall cause the person presenting such bill, draft or warrant, to endorse the same, and the treasurer shall write on the face thereof the word "redeemed," and shall enter in his books, in separate columns, the number, date, amount, the name of the person to whom payable, the appropriation on account of which it is drawn, the date of payment, and the amount of interest, if any, paid thereon.

**Examination
of drafts and
warrants.**

SEC. 10. The treasurer shall file and preserve in his office all drafts and warrants by him paid, and on the first Monday of March, June and September, and on the second Monday of November annually, he shall, in the presence and with the assistance of the auditor and attorney general, carefully compare the same with the entries in his books as required by the ninth section, and if it shall be found that such entries are correct and truly describe such bills, drafts and warrants, they shall certify the same in said books, and a copy of such entries on the books of the treasurer and of the certificate of the auditor, treasurer and attorney general, shall be deposited in the office of the auditor, but if there should be found any material discrepancy between the entries made as aforesaid, and the bills, drafts and warrants vouching the same, such discrepancy shall be forthwith reported by the auditor to the general assembly, if in session, and if not, to the governor by a special communication.

**No moneys to
be paid unless
appropriated.**

SEC. 11. No money shall be paid out of the treasury unless the same shall have been appropriated by law to the purpose for which it shall be paid, and every such payment shall be charged both by the auditor and the treasury against such appropriations.

**Security for
deposits.**

SEC. 12. No money belonging or due to the state shall be deposited, placed or kept by the treasurer, or by his direction, order or assent, elsewhere than in the treasury office at Columbus, without taking, in every instance, security therefor, either by the pledge of United States or Ohio state stocks, when it is practicable to obtain such security or by the bonds of individual residents of the state of undoubted pecuniary responsibility, all which securities shall be given to the state of Ohio, shall be deposited in the office of the auditor and shall be for the benefit of the state as collateral security to the treasurer's bond as well as for his benefit, and in case of default on the part of any depository, and the treasurer or his securities being compelled to make up any deficiencies arising therefrom, he or they shall have the benefit of said securities, provided that the taking of such securities shall in no wise release from any liability in regard to the money so deposited which would otherwise attach to or rest on him or them, and provided, also, that

before any such deposit shall be made the name and place of the depository, the terms and conditions of the proposed deposit, and a description of the kind and amount of the securities to be taken with the names of the securities shall be communicated in writing to the auditor and the attorney general and their approval endorsed thereon.

SEC. 13. The auditor shall, alone, or in conjunction with such person as the governor shall appoint for that purpose, between the first day of September and the first day of November in each year, and at such other time or times as he shall deem necessary, carefully examine the books, accounts, vouchers, official correspondence, certificates of deposit, and documents in the office of the treasurer, relating to the receipt, disbursement, deposit or custody of the moneys of the state, or any part thereof, and shall carefully count all the moneys remaining in the treasury, and shall also ascertain the sums or balances actually due the state on account of moneys deposited or kept elsewhere than in the treasury office at Columbus, and the responsibility of the depositories thereof; he shall also ascertain the terms and conditions on which every such deposit of money shall have been made, whether actually agreed upon or understood, and especially whether any, and if any, what consideration, by way of interest or otherwise, shall have been stipulated for, received, or shall be expected by the treasurer, or by any other person for or on account of any such deposit.

Examination
of papers of
treasurer's
office.

SEC. 14. To enable the auditor to make the examinations required by this act, the treasurer shall, on the demand of the auditor, submit to his full and unrestricted examination, all the books, accounts, vouchers, certificates of deposit, and all other evidences of moneys deposited to the credit or subject to the draft of the treasurer, and all the official correspondence in their office or possession, or subject to their control, and the treasurer shall, moreover, on oath to be administered by the auditor, make full, true and explicit answers in writing, to all questions put to him by the auditor or by his direction touching the receipt or the payment and touching the deposit of moneys belonging to the state. And the auditor may examine or cause to be examined on oath, any or all book keepers and clerks in the treasurer's office and depositories of moneys belonging to the state, all their clerks, book keepers and agents touching the payment of moneys into or out of the treasury, or of moneys remaining therein or touching the deposit of moneys belonging to the state, elsewhere than in the state treasury at Columbus.

Same.

SEC. 15. It shall be the duty of the governor, whenever requested by the auditor, to appoint some competent and suitable person to assist him in making any such examination, and to direct such examination to be made by the

Governor may
appoint per-
son to assist
auditor.

auditor, with the assistance of some competent and suitable person, to be appointed by him for that purpose, whenever he shall deem such examination necessary to secure the safety of the moneys of the state, or the correct and systematic manner of accounting for the same.

Facts to be
communicated to govern-
or.

SEC. 16. All the material facts ascertained by the examinations prescribed by this act, shall immediately on the close thereof, or as soon thereafter as shall be practicable, be communicated to the governor, who shall lay the same before the general assembly at the commencement of its next ensuing session.

Injunction or
mandamus
when treasurer
has done, or
is about to do
injury to state.

SEC. 17. If from any such examination, or from any other satisfactory evidence, the governor shall ascertain that the state shall have suffered any damage, or shall be in immediate danger of any injury or damage from any illegal act done, or about to be done, by the treasurer, or from his neglecting or refusing to comply with any requirement of law touching the receipt, keeping or paying out of any money belonging to the state, or the keeping and rendering accounts thereof, or shall have taken insufficient security for any money deposited elsewhere than in the treasury office at Columbus, it shall, in every such case, be the duty of the governor to direct the attorney general forthwith to institute the proper proceedings in the court of common pleas of Franklin county to restrain the treasurer from all such illegal acts, or to compel him to act in compliance with the provisions of law prescribing such acts as the case may require, and in case the security taken from any depositary of money belonging to the state is found to be insufficient, it shall be the duty of the treasurer immediately to remove the deposits, unless further sufficient security be given, and such security shall be subject to the same conditions as provided in section thirteen of this act.

Auditor to as-
certain
amount due
sinking fund.

SEC. 18. It shall be the duty of the auditor quarterly, on the 15th day of March, June, September and December, (or if any such day should be Sunday, then on the day previous,) to ascertain the amount of money in the treasury belonging to the sinking fund and draw on the treasurer therefor in favor of the acting commissioner of said fund, specifying in every such draft the source or sources from which the money so drawn for was derived.

In case of ex-
piration of
term, death,
resignation or
removal of
treasurer.

SEC. 19. Whenever the term of office of any treasurer shall have expired, or he shall have resigned, died, or have been removed from office, he, (or in case of his death or incapacity, his legal representatives,) shall immediately make a full settlement with the auditor of, and concerning all moneys paid, into and out of the treasury since the last previous settlement with the auditor of, and concerning the same, which settlement shall be so made as clearly to exhibit on what account, and for what purpose each payment, either

into or out of the treasury, shall have been made, and in case of payments out of the treasury, on account of what appropriation every such payment was made, and the auditor shall certify to the incoming treasurer the several sums to be paid over to him, by the outgoing treasurer on account of each appropriation that shall not have been fully paid, and also the sum to be paid on general accounts; and the outgoing treasurer, or his legal representatives, shall forthwith pay over to his successor the several sums so certified, and also deliver to him all the books, accounts, vouchers, official papers and correspondence of whatsoever kind, and neither the outgoing treasurer nor his sureties shall be discharged from his or their liability to the state until such settlement, payments and delivery of books, accounts, vouchers, and other papers hereinbefore enumerated, shall have been fully made.

SEC. 20. Wherever the word "treasurer" is used in this act, it shall be understood to mean "treasurer of state;" wherever the word "treasury" is used, it shall be understood to mean "state treasury;" and where the word "auditor" is used, it shall be understood to mean "auditor of state."

Definitions.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 8, 1856.

SECRETARY OF STATE'S OFFICE,

COLUMBUS, June 2, 1856. }

I hereby certify that the foregoing acts are correctly copied from the original rolls on file in this office.

JAMES H. BAKER,

Secretary of State.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, June 4, 1856. }

The act "to amend and supplementary to an act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854," found on page 161 of this volume of laws, although enrolled and signed by the presiding officers of both branches of the legislature, failed to receive a constitutional majority in the house. The act therefore is null and void, and the law remains as it was passed May 1, 1854. The following from the clerk of the senate fully explains the matter.

JAMES H. BAKER,
Secretary of State.

Among the bills introduced into the senate of Ohio, at its late session, and passed by that body, was one "to amend and supplementary to an act entitled an act to prevent the adulteration of alcoholic liquors, passed May 1, 1854." This bill, though having a majority on its passage in the house, failed for want of a constitutional number of votes in its favor. By some oversight in the last days of the session, this bill got into the hands of the enrolling clerks and was enrolled, reported to both houses as enrolled, and was duly signed by the two presiding officers. It was deposited with the secretary of state, and was published as one of the laws of the state, and will be found on the 161st page. The journals of both the senate and house show that it did *not* pass, and of course it is a mere nullity. It proposes to amend the law requiring an inspection of liquors, by compelling the inspector to keep a record of the liquor inspected—to put his mark upon the barrels, &c., and if he finds any adulterated liquor, he shall notify the prosecuting attorney, who shall institute proceedings and destroy the liquor. It regulates the fees of the inspector, and provides a fine of from \$10 to \$100 for resisting, abusing or impeding that officer in the performance of his duty, with imprisonment in the county jail.

W. T. BASCOM,
Clerk of the Senate.

ACTS OF A LOCAL NATURE.

AN ACT

To provide for the payment of the claim of Charles Boesel for damages sustained by canal boat Robert Blum, and cargo, by breaking in of lock No. 23, on the Miami Extension canal, on the sixth day of October, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of six hundred and seventy-three dollars and twenty-five cents be and the same is hereby appropriated to be paid, without interest, to Charles Boesel, for damages, as set forth in the title of bill, to be paid out of the treasury according to law.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 22, 1856.

AN ACT

To authorize the trustees of Madison township, Franklin county, to convey a portion of school section sixteen for school house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Madison, in the county of Franklin, are hereby authorized to convey to the township board of education of said township of Madison, such portion not exceeding one-half acre in quantity, of school section sixteen of said township, as may be necessary for the site of a school house for the use of the common school of district No. thirteen of said township; provided that whenever the ground conveyed shall cease to be used for the purpose for which the conveyance is herein authorized, the same shall revert to its original uses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 5, 1856.

AN ACT

To declare the First Range Free Turnpike, in Ashtabula county, a county road, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the road known as the First Range Turnpike, in Ashtabula county, leading from the north line of township number twelve, in the first range of townships of the Connecticut Western Reserve, to the south line of township number ten, in said county, be and the same is hereby declared a county road.

SEC. 2. That said road shall be governed and regulated in all respects as other county roads in said county of Ashtabula.

SEC. 3. That the act passed February 8, 1847, creating said road a free turnpike, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

AN ACT

Supplementary to "an act to confirm the charter of the Covington and Cincinnati bridge company, incorporated by an act of the general assembly of Kentucky," passed February 17, 1846, with certain limitations, passed March 9, 1849.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Covington and Cincinnati bridge company, as incorporated by the laws of Kentucky, is hereby authorized to construct a bridge across the Ohio river, under the provisions of the act to confirm the charter of said bridge company, with certain limitations, passed March 9, 1849; provided that the said bridge may be of less span than fourteen hundred feet, but shall not be of less span than one thousand feet; provided, further, that the height of said bridge in the centre shall not be less than one hundred and twenty-two feet above the surface of the water, at low water mark; and provided, also, that the southern side of the northern tower of said bridge shall be at least twenty-five feet north of the line of low water on the Ohio side.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

To repeal section three of an act entitled an act to incorporate certain towns therein named, passed March 19, 1850; also, to repeal an act entitled an act in relation to common schools in the town of Attica, Seneca county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of an act entitled an act to incorporate certain towns therein named, passed March 19, 1850; also, an act entitled an act in relation to common schools in the town of Attica, Seneca county, passed March 4, 1851, be and the same are hereby repealed.

SEC. 2. This act shall take effect from and after the first day of April, 1856.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

To authorize the commissioners of Miami county to issue bonds to raise money to pay the debts of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Miami county, for the purpose of raising money to pay the debts of said county, are authorized to issue bonds, not exceeding the sum of sixty thousand dollars in the aggregate, and in bonds not less than one hundred dollars each, bearing a rate of interest not exceeding eight per cent. per annum, one-eighth part of which shall be made payable in each year.

SEC. 2. That said bonds shall be signed by the commissioners of said county; shall be made negotiable, and shall not be disposed of by said commissioners at less than their par value.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

AN ACT

To authorize the commissioners of Washington county to borrow money to pay the interest of July, 1856, on certain bonds issued by said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Washington, in this state, be and they are hereby authorized to borrow a sum not exceeding seven thousand dollars for the purpose of paying the interest to be due in July next on the bonds issued by said county to the Marietta and Cincinnati railroad company. Said loan shall not bear an interest exceeding seven per centum per annum, and shall not extend beyond the 20th day of December next.

N. H. VAN VORHES,
Speaker of the House of Representatives.
WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

AN ACT

To provide for the enlargement of the Lewistown reservoir.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to enlarge the Lewistown reservoir, to any extent the members of said board shall think the interests of the state demand; and for this purpose said board of public works may enter upon and condemn any and all lands necessary for that purpose. Provided, that before said board shall commence the enlargement of said reservoir as aforesaid, they shall sell enough of the surplus water of the Miami and Erie canal to pay the entire cost of constructing or enlarging said reservoir, including damages for the condemnation of the lands necessary for the purpose, and all other charges, expenses, costs and damages which shall be incurred on account of said enlargement.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To authorize the commissioners of Van Wert county to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Van Wert county are hereby authorized and empowered to borrow for a term of years not exceeding fifteen, upon the faith and credit of said county, any sum of money not exceeding twelve thousand dollars, at a rate of interest not exceeding eight per cent. per annum, which money, when so borrowed, shall be expended in the erection and completion of public buildings, for the use of said county, and to issue bonds or certificates of the county therefor; the same to be signed by the said commissioners, and attested by the county auditor.

Sec. 2. That when the commissioners aforesaid shall deem it necessary to borrow all or any part of said twelve thousand dollars, for the purpose mentioned in the foregoing section of this act, the question as to the propriety of making such loan and expending the money realized therefrom in the erection and completion of public buildings for the use of the county, shall be submitted to the qualified voters of the county either at the annual spring election or fall election or any special election appointed by said commissioners by giving public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, and by handbills to be posted up in at least five public places in each township in said county, one of which handbills shall be posted upon the day of such election, at each of the places of holding said election; for or against borrowing money by the commissioners as aforesaid and for its appropriation to the purpose of erecting and completing public buildings as aforesaid; and the opinion of said electors shall be expressed on their ballots "borrow" or "not borrow," and all elections held by authority of this act shall be conducted in all respects in the same manner, and by the same officers that the annual fall elections are, and no other election for the purpose of determining the propriety of entering into any contract or engagement for the erection of any public building or buildings in said county, with the money aforesaid shall be necessary: Provided, That the poll books shall be returned to the county auditor and filed by him in his office and carefully preserved.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOS. H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

To authorize the commissioners of Hamilton county to aid in the construction of a bridge across the White Water River, near the village of Harrison, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Hamilton, be and they are hereby authorized to appropriate any sum of money belonging to the bridge fund of said county, not exceeding six thousand dollars, to aid in the construction of a bridge across the White Water River, at or near the Indiana State line: Provided, That the commissioners of the county of Dearbourn, State of Indiana, and the White Water Valley Canal Company of said state, shall each expend a like sum, in money, to aid in the erection of said bridge.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOS. H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To attach a part of Ballville township, in Sandusky county, to the township of Sandusky, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the reservation of two miles square at the foot of the lower rapids of the Sandusky river, as is included within the township of Ballville, in Sandusky county, is hereby attached to, and made a part of the township of Sandusky, in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 7, 1856.

AN ACT

Defining the jurisdiction of justices of the peace and other officers of the city of Cleveland, and detaching a portion of said city from Brooklyn township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the jurisdiction of justices of the peace and constables in the city

of Cleveland, in whatever part of said city they may reside, or whenever they may have been elected to their respective offices, shall extend through the whole of said city, as it has been bounded and defined since the annexation of Ohio City with the said city of Cleveland; and in all elections which shall hereafter be held for the election of justices of the peace and constables in the said city of Cleveland, such justices and constables shall be elected by the qualified voters of all parts of said city; and that so much of said city of Cleveland as lies west of the Cuyahoga river, shall no longer, for any purpose, constitute a part of the township of Brooklyn, which shall be and hereby is attached to the township of Cleveland.

SEC. 2. This act shall take effect on the passage thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

AN ACT

To authorize the county commissioners of Hamilton county to sell certain real estate in said county, and to provide for the erection of a county infirmary and lunatic asylum therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hamilton county are hereby authorized to sell and convey in such manner and upon such terms as they shall deem most advisable, the "poor house farm," belonging to said county, situated in fractional range four, (4) town four, (4) section twelve, (12) N. E. qr., and pay the proceeds of such sale, after deducting the necessary expenses thereof into the treasury of said county for county or infirmary purposes.

SEC. 2. That the commissioners of the county of Hamilton are hereby authorized to confirm and legalize the purchase of certain lands, made by the commissioners of said county in the vicinity of Carthage in the year 1854, for the purposes of a county infirmary and lunatic asylum, and also to pay to the contractors for such building, such sum or sums of money as they may deem a just and fair equivalent for work already performed and materials already used in its construction: Provided, That nothing contained in this act shall be held to recognize or confirm any contract or contracts made for constructing such building or furnishing materials therefor.

SEC. 3. They shall have power to complete such county infirmary and lunatic asylum in such manner as that its capacity shall be sufficient to accommodate not less than three hundred inmates, and to erect such other buildings and improvements as may be necessary to its efficiency and well being, of such form, style and materials as they shall deem best

suited to its purposes, and at a further cost not to exceed two hundred thousand dollars.

Sec. 4. The said commissioners shall have power to issue bonds of Hamilton county to the amount of ninety thousand dollars, bearing seven per cent. interest per annum, one-third of which amount shall become due and payable on the first day of June 1866, one-third on the first day of June 1871, and one-third on the first day of June 1876; said bonds shall be issued for sums not less than one hundred dollars each, signed by at least two of the commissioners, and countersigned by the county auditor, and shall be sold at not less than their par value, which shall be applied to the construction of said building, and for no other purposes whatever.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

RESOLUTIONS.

HOUSE JOINT RESOLUTION

Relative to Kansas affairs.

WHEREAS, the original policy of our country contemplated no extension of slavery beyond the limits of slave states, and no increase of the number of such states; **AND, WHEREAS**, experience has sufficiently proven that every departure from that policy has been productive of evil, and of evil only; **AND, WHEREAS**, by the repeal of the slavery prohibition of the Missouri Compromise, the whole question of slavery in its relation to the Union, the States and the Territories, has been re-opened; **AND, WHEREAS**, the people of Kansas deprived of the protection of that prohibition and despoiled by armed invasion of their undoubted right to elect their own Representatives, have been compelled to choose between the alternatives of resort to the inherent right of every community, in the absence of valid laws, to provide for its own safety and good order, or submission to the unauthorized edicts of a pretended legislation seeking to compel the admission of slavery by appointing its own creatures to all territorial offices whether executive or judicial, and by imposing such restrictions upon the right of suffrage at future elections as will exclude the opponents of slavery from the polls; **AND, WHEREAS**, the people of Kansas properly adopting the former alternative have proceeded to elect a delegate to Congress, and to form themselves a state constitution with a view to application for admission into the Union; **AND, WHEREAS**, it is the duty in the judgment of this General Assembly, of the Federal Government, and of the people of the several states, to unite their efforts to save the territory of Kansas from the renewal of the civil tumult and from the further shedding of blood; be it therefore

Resolved by the General Assembly of the State of Ohio, That the cause of the people of Kansas engaged in defending themselves against lawless violence and in asserting their inherent right of self-government be and hereby is earnestly commended to the warm sympathies of the people of Ohio.

Resolved, That our Senators in Congress be instructed, and Representatives requested, to oppose all acts and measures which tend to recognize as legal and binding any of the acts of the pretended Legislature of Kansas held at Shawnee Mission.

Resolved, That our Senators in Congress be instructed, and Representatives requested, to use their best endeavors for the immediate passage of an act of Congress admitting Kansas into the Union as a free state with such limitation of boundary as by Congress shall be deemed advisable; and in case Congress shall not consent to such admission, then to use their best endeavors to secure the passage of acts enabling the people of that territory to elect their own Governor and other officers, and fully protect them in the exercise of the elective franchise.

Resolved, That our Senators in Congress be further instructed, and our Representatives requested, to use their best endeavors to secure the passage of a law prohibiting slavery in the territories of Kansas and Nebraska and all territory embraced in the Missouri Compromise, and re-establishing the original American policy as declared in the regulation proposed by Thomas Jefferson in 1784, for the exclusion of slavery from all territory ceded, or to be ceded, and of such other laws as shall best fulfill the high duty repeatedly acknowledged by the people of Ohio, of using all power clearly given by the terms of the national compact, to prevent the increase, to mitigate and finally eradicate the evil of slavery, without encroaching upon or in any way legislating upon the right of each state to adopt and modify its own municipal laws, to regulate its own internal affairs, and to hold and maintain its equal and independent sovereignty with each and every other state.

Resolved, That the Governor be requested to cause a copy of this preamble and resolutions, properly certified, to be forwarded to each of our Senators and Representatives in Congress, and the Governor of each state in the Union.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 9, 1856.

SENATE JOINT RESOLUTION

Relative to furnishing Fayette county with copies of Ohio Reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby required to furnish to the clerk of the court of common pleas of Fayette county, for the use of said clerk's office, vols. 11, 12, 13, 14, 16, 17, 18 and 19, of the Ohio Reports.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 29, 1856.

HOUSE JOINT RESOLUTION

Relative to furnishing Hardin county with weights and measures.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he hereby is required to furnish, forthwith, to the county auditor of the county of Hardin, for the use of said county, copies of the original standards of weights and measures provided for in an act "to provide for a uniform standard of weights and measures," passed February 21, 1846, to supply the places of the copies heretofore furnished to said county by the state, and which copies have been destroyed by fire.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 5, 1856.

JOINT RESOLUTION

Relative to renting a room for holding the supreme court.

Resolved by the General Assembly of the State of Ohio, That the secretary of state, under the direction of the supreme court judges of the state, or a majority of them, is hereby authorized and required to procure in the city of Columbus a suitable room for holding the supreme court.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 7, 1856.

SENATE JOINT RESOLUTION

Relative to furnishing Geauga county with certain of the Ohio Reports.

Resolved by the Senate and House of Representatives, That the secretary of state furnish the clerk of the common pleas of Geauga county with

No. 9, 10, 12, 17, 19, of the Ohio State Reports if he have them on hand, or such of them as he may have, for the use of said county.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 10, 1856.

HOUSE JOINT RESOLUTION

Relative to preparing the Hall of the House of Representatives.

Resolved by the General Assembly of the State of Ohio, That a joint select committee consisting of George M. Parsons and James H. Smith, on the part of the House, and Alfred Kelly, on the part of the Senate, be appointed whose duty it shall be to supervise the preparation of the Hall of the House, and who shall be and are empowered to contract for such furniture and employ such labor as may be necessary to properly prepare the same for the use of the members of the General Assembly: Provided, That contract or expenditure shall not be made without the assent and advice of the state house commissioners and secretary of state.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

April 11, 1856.

HOUSE JOINT RESOLUTION

Relative to closing the waste weirs near Dover.

Resolved by the General Assembly of the State of Ohio, That the board of public works be instructed to close up the two waste weirs in the berme bank of the Ohio canal, near the town of Dover, in Tuscarawas county: Provided, That said weirs can, in the opinion of said board of public works, be closed up with safety to the canal at an expense to the state not exceeding five hundred dollars.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

April 9, 1856.

HOUSE JOINT RESOLUTION

Relative to printing extra copies of school commissioner's report.

Resolved by the General Assembly of the State of Ohio, That there be printed, for the use of the state commissioner of common schools, in addition to those already ordered, four thousand five hundred copies of his annual report.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

March 5, 1856.

SENATE JOINT RESOLUTION

Relative to the payment of the clerks for reading proof and indexing the written and printed journals.

Resolved by the General Assembly of the State of Ohio, That the clerks of the senate and house of representatives shall receive each at the rate of four dollars a day for the time actually employed, after the adjournment of the general assembly, for making out indexes to the printed and recorded journals, and for reading the proof-sheets of the same, to be paid out of any money appropriated to defray the expenses of the general assembly, on the order of the auditor of state.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

HOUSE JOINT RESOLUTION

Relative to the carpets in the hall of house of representatives.

Resolved, That the carpeting now upon the floors of the halls and rooms occupied by the present legislature, or so much of the same as may not be deemed suitable to be placed upon the floors of the new state house, be delivered to the trustees of the Central Ohio Lunatic Asylum, to be placed in the rooms of the female patients; Provided that

this resolution does not interfere with any arrangements already made by the secretary of state.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

HOUSE JOINT RESOLUTIONS

Relative to a railroad to the Pacific ocean.

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their best endeavors to procure the passage of a law by congress, making adequate provision for aiding in the construction of a railroad to the Pacific ocean, on such route or routes as they may deem to be most practicable and best calculated to advance the interests of the country.

Resolved, That the governor of this state be requested to forward to each of our senators and representatives in congress a copy of these resolutions.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

SENATE JOINT RESOLUTIONS

Relative to the removal of the obstructions at the falls of the Ohio river, by congress.

Resolved by the General Assembly of the State of Ohio, That the congress of the United States is hereby requested to take speedy and efficient steps towards the improvement of the navigation of the Ohio river, by removing obstructions at the falls, with such exclusive government work as shall be found necessary—either a new canal, or an enlargement of the old, or a wall and locks in the channel of the river.

Resolved, That our representatives be requested to submit these resolutions, and to urge their passage upon congress.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

HOUSE JOINT RESOLUTION

Relating to Woodworth's planing machine.

WHEREAS, We believe the object of our present patent laws to be protection to the inventor, and not the establishment of a monopoly that may tax the industrial pursuits of the country at pleasure; and whereas, we believe the renewal a second time of a patent on Woodworth's planing machine would violate the spirit and design of all our laws relating to patents and fix an unjust and oppressive tax on mechanical pursuits of the country. Therefore,

Resolved by the General Assembly of the State of Ohio, That our senators in congress be instructed and our representatives in congress requested to resist, by all honorable means in their power, the renewal of said patent upon the application of William W. Woodworth, or any other person or persons in his behalf.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 5, 1856.

HOUSE JOINT RESOLUTION

Relative to printing the appropriation bill.

Resolved by the General Assembly of the State of Ohio, That the appropriation bill be printed in advance of other printing.

N. H. VAN VORHES,
Speaker of the House of Representatives.
WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

SENATE JOINT RESOLUTION

Relative to confirming the contract of the canal fund commissioners with the Columbus insurance company.

Resolved by the General Assembly of the State of Ohio, That the contract dated the 31st day of December, 1849, made between the late Ohio canal fund commissioners and the Columbus insurance company, by which one hundred thousand dollars of the funds of the state were deposited with said company, and the bond of William Miner and others taken to

secure the payment of said money, and the proceedings had on said bond tending to the collection of said money, be and the same are hereby ratified and adopted by the state.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 8, 1856.

SENATE JOINT RESOLUTION

Relative to the adjournment of the legislature.

Resolved by the Senate and House of Representatives, That this general assembly will adjourn on the 11th day of April, instant, and meet again on the first Monday of January next, and that the joint resolution of the senate and house of representatives heretofore adopted, to adjourn on the 9th day of April, 1856, and to meet again on the first Monday of January, 1857, be and the same is hereby rescinded.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 9, 1856.

HOUSE JOINT RESOLUTION

Relative to preparing a transcript of the bill book and forwarding to members.

Resolved by the General Assembly of the State of Ohio, That the chief clerks of the two branches of the general assembly are hereby authorized and instructed to prepare, as soon as possible after the close of the present session, a list of the bills pending at the time of adjournment, which shall show the condition of the bills, and that the secretary of state cause the same to be printed, and a copy to be transmitted by mail to each member of the two houses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

SENATE JOINT RESOLUTION

Relative to the suspension of contracts and labor on the new state house.

Resolved by the General Assembly of the State of Ohio, That the state house commissioners be and the same are hereby requested to discharge all persons employed upon the construction of the new state house, so far as the same is practicable, and that said commissioners be and the same are hereby instructed and required to make no contracts, and incur no expenditures, either for materials or labor, for the further construction and completion of said building until the further action of the general assembly.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 29, 1856.

HOUSE JOINT RESOLUTION

Relative to binding bills.

Resolved by the General Assembly of the State of Ohio, That the state librarian shall have bound up for future reference, two copies of the printed bills of the house and senate of the present session.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

SENATE JOINT RESOLUTION

Relative to supplying ten copies of the statutes to Ashland county.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby instructed to furnish to the clerk of the court of common pleas of Ashland county ten copies of Swan's revised statutes for the use of persons entitled thereto in said county.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 17, 1856.

HOUSE JOINT RESOLUTION

For the relief of James G. Culbertson.

WHEREAS, the General Assembly of the State of Ohio did on the 27th day of February, eighteen hundred and forty-nine, as appears by the journals of the two Houses, pass a joint resolution authorizing the board of public works to examine and adjust the claim of James G. Culbertson, which resolution was by some mistake or oversight not enrolled or signed by the Speakers of the two Houses so as to become binding on said board; therefore

Resolved by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized to examine and adjust the claim of said James G. Culbertson against the state in the same manner, and to the same extent, that the same might have been done by them had said resolution legally taken effect.

N. H. VAN VORHES,

Speaker of the House of Representatives.

THOMAS H. FORD,

President of the Senate.

March 5, 1856.

SENATE JOINT RESOLUTION

Relative to survey and examination of the National Road by the board of public works.

Resolved by the General Assembly of the State of Ohio, That the board of public works be and are hereby instructed to proceed, without delay, along the entire line of the National Road, and examine the present condition of the same, and also to examine the semi-annual reports of the commissioners of the counties through which said road passes, and if, from such examination, the said board of public works shall find that said road is not now and has not been kept in as good repair by the present lessees as they were required to do by the "act authorizing the board of public works to lease the National Road to the highest responsible bidder," passed May 1st, 1854, then the said board of public works shall give written notice to said lessees, requiring them, within six months, to have the said road put in the good repair contemplated by said act, and if, at the expiration of said time, the said board of public works shall, upon like examination as herein contemplated, find that said road has not been placed in such repair, then they shall immediately take legal measures for the recovery of the possession of said road, and upon obtaining such possession, they shall manage and conduct the same in all respects as though said lease had never been made, and shall institute the necessary legal proceedings for the recovery from

such lessees of any damage which may have accrued in consequence of any violation of the contract of such lessees while such road was in their possession.

N. H. VAN VORHES,
Speaker of the House of Representatives.
THOMAS H. FORD,
President of the Senate.

April 10, 1856.

SENATE JOINT RESOLUTION

Relative to the fugitive slave law.

WHEREAS, in the judgment of this General Assembly the act of Congress usually called the fugitive slave act, approved September 18, 1850, is inconsistent with and unwarranted by the constitution of the United States, and is repugnant to the plainest principles of justice and humanity ; therefore

Resolved by the General Assembly of the State of Ohio, That our representatives in Congress be requested, and our Senators be instructed, to use their best exertions to procure the repeal of said act at the earliest practicable time.

N. H. VAN VORHES,
Speaker of the House of Representatives.
LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

SENATE JOINT RESOLUTION

Relative to printing and distributing extra copies of the bank bill.

Resolved by the Senate and House of Representatives, That there be printed fifteen thousand copies of the act entitled an act to incorporate the Bank of Ohio and other banks, and that one thousand copies thereof be delivered to the state librarian for the use of the state officers, and that the residue be by law equally distributed to the members of the general assembly at the same time and in the same manner that the laws and journals are required to be distributed, and that all reports made to the

general assembly at the present session, which have not yet been printed, shall be boxed up and distributed by the secretary of state at the same time and in the same manner.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

SENATE JOINT RESOLUTION

Relating to printing extra number of senate bill No. 139.

Resolved by the General Assembly of the State of Ohio, That there be printed 1,000 extra copies of senate bill No. 139, entitled "a bill to incorporate the bank of Ohio, and other banks," and that the printer be and is hereby instructed to have the same printed forthwith, and in advance of any other bills ordered to be printed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOS. H. FORD,
President of the Senate.

March 29, 1856.

JOINT RESOLUTION

Relative to printing agricultural reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and is hereby authorized and required to have printed 15,000 copies of the annual report of the state board of agriculture, and 1800 copies of the report of the president of said board for the years 1855 and 1856 each, and that he box up in equal quantities, and forward to the county seats of the members of the present legislature, or to their order, at the option of each member, his proportion of 14,000 copies of the report of said board; and his proportion of 800 copies of the report of the president thereof, to be distributed by them among the people, and that the charges of the transportation of the same be paid in the same manner as is or may be provided by law for the distribu-

tion of the laws and journals, and that the balance of said reports be subject to the order of the state board of agriculture; Provided that all agricultural reports of previous years now remaining in the hands of the secretary of state shall be distributed at the same time and in the same manner as are the reports for the years 1855 and 1856, as contemplated in this resolution.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 29, 1856.

SENATE JOINT RESOLUTION

Relative to the duties of the auditor of state in settling with the banks for moneys set off for the use of the state.

Resolved by the Senate and House of Representatives, That the auditor of state be and is hereby directed to collect, as fast as the demands on the treasury may require, the several sums set apart as taxes, or in lieu of taxes, and placed to his credit by the several banks chartered by or claiming their powers and privileges under the act to incorporate the State Bank of Ohio and other banking companies, and that he be and hereby is authorized to settle with and adjust the balance due to the state from such of said banks as may not have paid the full amount of taxes which by the above recited act, or any other act levying a tax on said banks, and which act such banks may have accepted, they were liable to pay or to set apart in lieu of taxes, and to collect the sums or balances found due from such banks.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President pro tem. of the Senate.

April 11, 1856.

HOUSE JOINT RESOLUTION

Relative to furnishing the resident clergymen with laws and documents

Resolved by the General Assembly of the State of Ohio, That the Secretary of State is hereby instructed to furnish each of the resident clergymen

of the city of Columbus, who have favored us by their services in opening the morning sessions by prayer, with a copy of "Swan's Revised Statutes of Ohio," together with a copy of the public documents and journals, of [if] such clergymen desire them.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

SENATE JOINT RESOLUTIONS

In relation to an appropriation by congress to improve the harbors on the northern lakes.

WHEREAS, The commerce and navigation of the northern lakes are of national importance, and ought to receive the fostering care and protection of the national government; therefore,

Resolved by the General Assembly of the State of Ohio, That the congress of the United States is hereby requested to make reasonable and sufficient appropriations for the necessary improvement of harbors on said lakes, and for the improvement of navigation over the St. Clair flats, so that all vessels navigating the lakes may safely, and without obstruction, pass over the same.

Resolved, That the senators and representatives from this state are requested to submit these resolutions to their respective branches of the national legislature.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 17, 1856.

HOUSE JOINT RESOLUTION

Relative to giving the use of the state library to the clergymen of Columbus.

Resolved by the Senate and the House of Representatives, That the free use of the state library be tendered to the resident clergymen of the city of Columbus for one year, passed January 16th, 1856

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

January 28, 1856.

SENATE JOINT RESOLUTION

Requesting our senators and representatives in congress to aid in the passage of a law granting pensions to the soldiers of the war of 1812.

Resolved by the General Assembly of the State of Ohio, That the senators and representatives from this state, in the congress of the United States, are hereby requested to endeavor to procure the passage of an act by congress, granting to the soldiers of the war of 1812, and the soldiers who served under Gens. Wayne, Hamar, St. Clair and others in the intermediate Indian wars, their widows and orphans, the same pensions as are granted to the soldiers of the revolutionary war, their widows and orphans.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 17, 1856.

JOINT RESOLUTION

Providing an office for the attorney general in the new state house.

Resolved by the General Assembly of the State of Ohio, That the state house commissioners be instructed to finish off the north-east corner room in the north wing of the new state house, for an office for the attorney general, and the same be done under and in accordance with the provisions of the "act to provide for the prosecution of the work on the new state house, prescribing the order in which it shall be done, and making appropriations therefor," passed at the present session.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

April 9, 1856.

SENATE JOINT RESOLUTION

Directing the commissioners of the sinking fund to suspend action in certain cases therein stated.

Resolved, That the commissioners of the sinking fund be and hereby are directed to suspend all further action in relation to the selection of

some suitable office or place in the city of New York, at which transfers of the stock of the state may be made, and the principal and interest of the foreign debt of the state may be paid, and in relation to the appointment of an agent to make such transfers and payments until the general assembly shall prescribe, or by resolution permit further action in the premises.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

January 31, 1856.

SENATE JOINT RESOLUTION

In relation to a joint committee to report amendments to the state constitution.

Resolved, That a joint committee of five on the part of the senate, and seven on the part of the house, be appointed to inquire what amendments (if any) are required in the constitution of Ohio, and report said amendments at as early a day as is practicable.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

SENATE JOINT RESOLUTION

Relative to granting a new lease to John Stewart.

WHEREAS, The register of the Virginia military school land on or about the year 1822, officially executed and delivered to Mordecai Bartley, a lease for the term of ninety-nine years, of the south-east quarter of section 3, township 20, range 18, in the county of Richland; and whereas, the said lease was afterwards assigned by said Mordecai Bartley to Wm. Bull, and was afterwards, by said Wm. Bull, assigned to John Stewart, who entered upon said land and made valuable im-

provements thereon; and whereas, it appears that after said assignment last mentioned, and on the 17th day of September, 1833 said lease was burned and destroyed by the burning of the house of said John Stewart, now, therefore,

Resolved by the General Assembly of the State of Ohio, That the register of said school lands be and is hereby authorized, empowered and instructed, in his official capacity, to make, execute and deliver to said John Stewart, a lease of the land originally demised to said Mordecai Bartley, as aforesaid, for the remainder of the original term yet unexpired.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

April 11, 1856.

HOUSE JOINT RESOLUTION

Relative to the claim of Harman Kent.

Resolved by the General Assembly of the State of Ohio, That the board of public works be instructed to examine and adjust the claim of Harman Kent, assignee of Kent & Brother, for compensation due him as a contractor on section No. 57 and 58, on the Miami canal extension, and report their conclusions to the general assembly at its present session.

N. H. VAN VORHES,

Speaker of the House of Representatives.

LESTER TAYLOR,

President of the Senate, pro tem.

February 20, 1856.

SENATE RESOLUTION

In relation to visiting Cincinnati on the 22d inst.

Resolved by the General Assembly of the State of Ohio, That when the senate and house of representatives adjourn on Thursday next, they

adjourn to Monday, the 25th inst., at 3 o'clock P. M., for the purpose of joining in the celebration of the anniversary of the birth day of George Washington, on the 22d inst., in pursuance of the invitation tendered by the citizens of Cincinnati.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 5, 1856.

SENATE JOINT RESOLUTION

Relative to holding an adjourned session.

Resolved by the General Assembly of the State of Ohio, That there be appointed a joint committee of three on the part of the senate and five on the part of the house to take into consideration whether it will be expedient to hold an adjourned session, and if so, the reasons why it will be necessary, and recommend the time when it will be expedient to adjourn, and to what time.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 26, 1856.

HOUSE JOINT RESOLUTION

Relative to a loan made by the Ohio University from the state of Ohio.

Resolved by the General Assembly of the State of Ohio, That the payment of the balance due on the loan of \$5,000 made from the sinking fund to the Ohio University in September, 1837, and the accumulation of interest thereon, is hereby suspended as long as said university shall continue in force its present regulation, admitting one student from each county in the state free of charge for tuition, until the further action of the legislature.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 WM. LAWRENCE,
President of the Senate, pro tem.

April 3, 1856.

SENATE JOINT RESOLUTION

Relative to adjournment of the legislature.

Resolved by the General Assembly of the State of Ohio, That this general assembly will adjourn on the ninth day of April, 1856, to the first Monday in January, 1857.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 THOMAS H. FORD,
President of the Senate.

March 26, 1856.

SENATE JOINT RESOLUTION

Relating to the duties of the treasurer of state in the collection of the claims due the state.

Resolved by the General Assembly of the State of Ohio, That the treasurer of state be and he is hereby directed to proceed forthwith, and present for acceptance and payment all drafts, bills, or other choses in action in the hands of the treasurer, which are now due, and that he proceed in like manner to collect any other drafts, bills, or other choses in action in his hands that are not now due, as soon as the same shall become due. Provided, that nothing in this resolution shall be construed or understood to sanction the receipt of such evidences of debt instead of money by the present treasurer or his predecessor, or as discharging the present treasurer from any liability he may have incurred in receiving said claims in the place of money.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

HOUSE JOINT RESOLUTION

As to repair of hall of house of representatives.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized and instructed to have the hall used by the house of representatives during the present session put in

good condition and repair, as the same may be required by the terms of the lease of said hall to the state, and that the expense of the same be paid upon the certificate of the said secretary out of the contingent fund of the governor.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

April 11, 1856.

HOUSE JOINT RESOLUTION

Relative to taking down the old quarry bridge near the penitentiary, and authorizing the sale of the same.

Resolved by the Senate and House of Representatives of the State of Ohio, That the new state house commissioners be and they are hereby authorized and required to proceed immediately to take down and remove the old quarry bridge across the Scioto river, near the penitentiary, and to use the iron of said bridge, as far as is practicable, for state house purposes, and to sell the residue, if any, and that they use the timbers of said bridge as fuel in the state house or penitentiary, or sell the same, as they may think will best promote the interest of the state, and that they pay the proceeds of any such sale or sales into the state treasury, to be placed to the credit of the state house fund.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 LESTER TAYLOR,
President of the Senate, pro tem.

February 20, 1856.

SECRETARY OF STATE'S OFFICE,
 COLUMBUS, June 13, 1856. }

I hereby certify that the foregoing local laws and joint resolutions are correctly copied from the original rolls on file in this office.

JAMES H. BAKER,
Secretary of State.

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